United States Court of Appeals

for the Second Circuit



APPELLANT'S APPENDIX

74-1235

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P/S

IN THE

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

ABDON ACEVEDO, et al.,

Appellants,

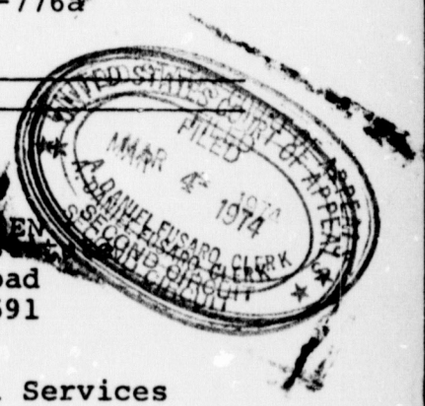
-v-

NASSAU COUNTY, et al.,

Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PLAINTIFF'S APPENDIX PART II, pp. 400a-776a



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park area.

MR. BELLMAN: Excuse me, Mr. Jaspan. The witness said "opposed."

MR. JASPAN: I didn't hear it that way. He said it was rejected.

THE WITNESS: The record would speak for itself. I don't remember saying that they -- GSA opposed it. I said that they rejected it.

THE COURT: Gave it over --

THE WITNESS: And rejected town application and gave it to the county.

MR. BELLMAN: I see.

THE COURT: That's what he said.

MR. BELLMAN: I wrote down "opposed" as you said it, Mr. Caso. You mean to --

THE WITNESS: The teletype -- he's right here. Let him read it back.

BY MR. BELLMAN:

Q You mean to say rejected? That GSA rejected the town?

A If I used the word "opposed" I would like to change it now because how would I know whether they opposed it? All I know is that they rejected it. The GSA in its own wisdom did not entertain my application that was made by the town, and

in fact rejected it in favor of the county plan.

Q And that somehow indicated to you that housing no longer was appropriate for Mitchell Field?

MR. JASPAN: The witness didn't --

THE COURT: Sustained.

MR. JASPAN: The witness didn't --

this is a direct witness. I understand -- I know he's a defendant. Ask questions and ask facts.

Q Sir, is it your position, that the fact that the GSA rejected the town proposal had some implication with respect to inclusion of housing at Mitchell Field?

A I can't draw any conclusions as to why the GSA acted as they did, other than they rejected the town proposal which included housing. You will have to ask the GSA or whoever made that decision as to why they made it. I am not going to try to put my mind into that of the GSA that made the decision at that time.

All I know is that my application which included housing was rejected by the GSA. The county application which did not include housing was approved.

Now you can draw your own conclusions from that and ask that question of the appropriate people who made the decision in the GSA.

Q I'm asking you whether your position today is

in any way a result of the fact that -- your position today with respect to housing at Mwtchell Field is any way related to the fact that GSA rejected a proposal that included housing?

A My position today is a county executive of Nassau County and in 1966 I had a different role that I was playing, where I had the authority and jurisdiction to provide housing and the record shows that we provide housing in my administration in the Town of Hempstead.

As County Executive, I do not have housing powers. The former County Executive took that same position relative to the use of this property, and I am being consistent with that view, which was entertained by the prior administration. Sincewe do not have housing powers, it is not my prerogative to pursue the housing in Mitchell Field as County Executive.

Q If the County had housing powers, would your position --

THE COURT: Sustained. That's absolutely speculative.

MR. BELLMAN: I am trying to determine what his position is, your Honor.

THE COURT: He just told you.

MR. BELLMAN: He said that -- he attributed the fact that the County does --

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THE COURT: I know what he said. I am sitting here.

I sustain it because you cannot give me a speculative question when it is a fact that he has no housing powers. You cannot draw an inference from the fact that it is not there.

Q So that I understand your testimony, Mr. Caso, is it your position that housing is inappropriate at Mitchell Field because the County lacks the power to build housing?

MR. JASPAN: If your Honor pleases, that's not the testimony of this witness.

MR. BELLMAN: He can answer.

MR. JASPAN: I'm objecting to your question because I say --

MR. BELLMAN: Object.

THE COURT: That's a good question.

MR. JASPAN: I am giving the basis for my objection.

THE COURT: I'll allow him to answer. That's a good question.

MR. JASPAN: All right.

THE COURT: It's neither speculative or anything else.

MR. JASPAN: But it's not based upon the

prior testimony of this witness. He gave a lot of reasons why housing should not --

THE COURT: No. It's based on now drawing a summary from the witness' testimony as to positions he originally had. What is his position today, without being speculative? You may ask it.

MR. BELLMAN: I would like to have the Court Reporter read it back.

THE COURT: You forgot the question?

MR. BELLMAN: It worked. I'd like to have it re-read.

(Record read.)

(continued next page)

DIRECT EXAMINATION

BY MR. BELLMAN: (Cont.)

A I would say in answer to that question that housing in my view is inappropriate at Mitchell Field regardless of the fact that the County has housing powers or not. That the allocation of the use of the land has been made, that does not include housing and that the purported and contemplated use on the layout of the acquired acreage does not permit of housing, other than the senior citizen housing, which is in the Santini area of development.

Q Could you tell the Court when you -- if you can, approximately in time, when you reached the decision that housing would be inappropriate at Mitchell Field?

A As I indicated before, I've been consistent in my opposition to high-rise, high density apartment development at Mitchell Field.

So that despite the fact that in 1966 in a different position that I hold now the town had applied for a portion of the acreage with housing included and primarily the low-rise senior citizen type of housing, for low income and middle income, the allocation of the remainder of the land and the demands upon it were such that I felt that it had to be used for total general County purposes.

And that housing could be provided elsewhere in the

county to take care of any of the housing needs that existed within those jurisdictions that had the authority to build housing; the towns, the citis and the villages.

And that has been my view since I -- before I became County Executive and after I became County Executive.

Q Now -- I'm trying to determine how long before you became County Executive it was that you reached that determination, that even garden-type housing should not be at Mitchell Field?

A Well, it's difficult to pinpoint the time because in '66, as you've indi-ated, as the then preciding supervisor of the town, we filed an application, which included housing. I would say it would be sometime after '66, probably around '68, '69.

And it certainly jelled in 1970, at the time that I was running successfully for the Office of County Executive.

Q Now, you stated during your testimony previously that you learned during the campaign that the people of Nassau County were opposed to all types of housing developments at Mitchell Field; is that correct?

MR. LEVKOWITZ: Can we have the quote its from, what page?

Q Do you recall --

MR. LEVKOWITZ: If you are quoting from

the record I'd like to know what you are quoting from.

Q I'm ask you directly. It's true, is it not, Mr. Caso, that during the campaign , in your travels throughout the County in talking to many people, you learned that a large proportion of the voters of Nassau County were opposed to housing developments at Mitchell Field; is that correct?

A I would say generally that was the concensus of people who felt that high-rise, high density housing should not be built at Mitchell Field and subsequent thereto, it was I who developed scattered -site theory of trying to have smaller housing units developed throughout the County.

Q It's true, is it not, that the strongest opposition to provision of housing at Mitchell Field came from the people living nearest to Mitchell Field, such as the residents of Uniondale and East Meadow; is that correct?

A They would have been the most vocal in their opposition, because it was in proximity to where they are but I won't say that it was limited only to the residents that surrounded Mitchell Field.

I think generally there was a concensus that we were in danger of changing the whole context of our county from a county kind of suburban operation to a city-type of

operation, and in the 1970 campaign, you've got to consider the view that was put forth at that time by my opponent that we should have high-rise, high density apartment house development at Mitchell Field.

And I think that generally the people of Nassau County rejected that philosophy.

Q You stated last time that the opposition to housing at Mitchell Field related in part to fears of increased tax burdens, congestion and burdens on the schools.

Isn't it also true that you learned that housing in Mitchell Field was opposed by local residents because of a fear of a high-rising crime rate if housing were to be constructed at the site?

A No, I don't think that that was primarily in the forefront of their opposition.

I think that they were basically concerned about the change in the character of the community when you would bring in high-rise, high density apartment housing. And they were upset, primarily because of the impact it would have on their services and supplies: the water, the sewers, the traffic, the roads, the schools, very definitely the school district was concerned about the impact it would have on schools.

Q Wasn't there also some fear expressed or you've

learned of some fear of a rising crime rate, if housing were to be included at Mitchell Field?

A I can't translate that into what the people were thinking, because it never surfaced as such, though I would imagine there was always a possibility of people being concerned about -- where you have high concentration of residents, that it might add to the crime rate within a community and again, as we have said over and over again, relative to this case, high-rise, high density apartment housing has been a disaster wherever it has been attempted in the U. S. and this has been known generally.

It's been reported in the media very effectively and we have a very intellectual and sophisticated constituency in our County who are aware of what's going on and I don't think that they would ignore that as a possibility.

But I would not say or try to infer that that was the single reason why they opposed this development.

(Continued next page.)

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DIRECT EXAMINATION

BY MR. BELLMAN: (Cont'd)

Q I wasn't suggesting it was a single reason, Mr. Caso.

A Well, I read that into your question. I'm sorry if I misinterpreted you.

Q You stated that there was a concern for a -- that if housing were included at Mitchell Field, there -- there would be a change in the operations in Nassau County to something of a city-type operation.

I think that is what you just said a few minutes ago. Isn't it true that there was some information among the voters of Nassau County that housing at Mitchell Field would mean possible massive influx of people from New York City?

MR. JASPAN: If your Honor pleases, I object to any question which -- this witness is asked to say what other people think. I don't think that that is competent evidence in any case.

THE COURT: Merely a general question. I will allow it as a general question.

THE WITNESS: Would you repeat the question, please?

(Question read.)

THE WITNESS: That is possible. Building high-rise, high-density apartments in that area, not being able to restrict them by law, to residents of Nassau County, that other people from other areas could come in and live there.

Q And wasn't there a particular concern that because -- that you could not restrict who would live in subsidized housing might be built at Mitchell Field?

When I say subsidized housing, I am referring to the Federal programs for low- and middle-income families.

MR. JASPAN: Same objection, if your Honor please.

The witness is again being asked to reflect the thinking of other people.

THE COURT: I will allow him to answer.

THE WITNESS: I'm sorry. I want to be sure I understand the question. Could you read it back?

(Question read.)

THE WITNESS: I don't --

THE COURT: I don't understand that.

MR. BELLMAN: I don't think you read the

first part of it. Let me reframe it, your Honor.

THE COURT: If he can answer that one, it's really good. Thatquestion is not complete at all.

MR. BELLMAN: I don't think the reporter read the first part of it.

THE COURT: All right.

BY MR. BELLMAN:

Q The question, Mr. Caso -- it's true, is it not, that there was a concern, a particular concern that if housing was included at Mitchell Field, it would contain subsidized, Federally subsidized units for low- and middle-income people and there was a particular concern because you could not determine that such housing would be reserved only for local residents?

MR. JASPAN: If your Honor pleases, I have no intention -- desire to rise and make a single objection to ever question in this line. May I have a general objection to this whole line of questioning so I won't have to interrupt the witness and the questioning?

THE COURT: Of course. It must be within his own knowledge. If he doesn't know anything

about it. It stops right there.

MR. BELLMAN: Do you remember the question? Why don't you read it back?

(Question read.)

THE WITNESS: I would say that that was of concern to the residents of our county. And since the law would not allow us to have this housing primarily to take care of our own residents, that some people were concerned about accomodating those outside of our county and not solving our own housing problems.

The only public housing that does permit restrictions by age and income is the senior citizen housing, however, so I would draw that distinction.

BY MR. BELLMAN:

Q It is true, is it not, that you concluded that one underlying concern or information related to the possible influx of racial minorities into housing at Mitchell Field?

A No, that is absolutely not true. There was no racial overtones to this whatsoever.

Q You never reached any conclusion that -- that racial fears were underlying the local opposition to

housing?

A No. I would not draw that conclusion.

Again, that was not within the purview of my knowledge as to the people's concern here about high-rise, high-density housing.

Q I'd like to read you from page 92 of the third part of the deposition that was taken -- your deposition, Mr. Case, taken on March 21, 1973.

MR. JASPAN: I will object to reading unless the -- Mr. Bellman says, "Did you give this answer and -- in response to this question," because I want the whole question and the whole answer in full context and not just taken out of context.

MR. BELLMAN: I haven't read a thing.

THE COURT: Yes.

MR. JASPAN: I don't want to interrupt you again, so I am telling you what I would object to.

BY MR. BELLMAN:

Q With that forewarning, I'd like to read you my question and your answer, Mr. Caso.

On Page 92 of the deposition, you were asked: "Was this opposition ever expressed in

terms of not wanting black or Spanish-speaking or low-income people to move into the general vicinity?

"Answer: There again, you are asking me to read the minds of what motivates people and I'm not in a position to do that. All I can say is that I think that one of the very serious concerns relative to public housing of this type, which would be primarily the low-income approach, would generate that kind of fear, so I think that is basically acceptable.

"People don't express it. It's not there on the surface. I think it is underlying and that was why as part of my concept, I have felt that to avoid that problem, that I put forth what I call 70 housing, which is 70 per cent middle income, 20 per cent low-income and 10 per cent for senior citizens."

Do you recall being asked that question and giving that answer?

A Yes. Yes, I do.

Q And do you stand by the answer you gave during your deposition on -- in March, 1973?

A Yes, I do. And again would underscore what I said,

that in an attempt to be responsive and responsible and to meet some of the housing objections, from people in our county who are concerned about high-rise, high-density development, I did come forth as I indicated before, with the scattered-site development concept of 70-20-10, which was 70 per cent middle income, 20 per cent low income, and 10 per cent senior citizen.

So, that you would not have the alleged fear of one segment of our society being housed in what could easily develop into a ghetto.

Q Mr. Caso, are you familiar with the fact that certain welfare recipients occupied housing units at what was known as Mitchell Gardens, a part of Mitchell Field, sometime in late 1969 and in 1970?

A Yes.

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DIRECT EXAMINATION

BY MR. BELLMAN (Cont'd):

Q It is true, is it not, that the persons who occupied these units were welfare recipients who had been residing in motels; is that correct?

A My recollection is that they were living in motels and on their own, moved out and illegally moved into these barracks at Mitchell Field, which are referred to as Mitchell Gardens.

Q It is true, is it not, that they moved into these structures in order to find more suitable housing than was available at the motels?

A I don't know why they moved into it. I think that if you want to speculate, they moved in because of political prodding at the time to create an embarrassing situation relative to the upcoming campaign in 1970, when I was the candidate for County Executive.

That is my interpretation of why they moved in and I think others would concur.

Q They occupied the units in the fall of 1965; is that correct?

A I don't remember when they moved in. If it was the fall of '69 or the spring of '70, the record would have to determine that. Whatever the record shows they

moved in I would stand by. I don't recall personally what the time was or the date was.

Q And it is your position that this occurred because of the pending upcoming campaign for County Executive?

A Absolutely. No question about it in my mind whatsoever.

Q Could you tell the Court whether or not when you were presiding supervisor of the Town of Hempstead that you yourself had proposed in 1967 that the Mitchell Gardens housing units be used to house welfare families?

A Yes, I had proposed that, but with certain variations and restrictions as to how the buildings would be used. And eventually -- and interestingly enough, the then County Executive rejected that plan saying that it was incongruous to think that we would want to move people into that kind of housing.

The end result was that my plan was discarded, no money was ever appropriated to refurbish and to fix up what were World War II barracks, and the plan never developed.

Q Could you tell the Court why you proposed in 1967 that Mitchell Gardens be used to house welfare

recipients?

A My proposal at that time was based on the very heavy cost that the county was bearing in having welfare recipients living in motels at a certain per cent or amount each day, I forget what the dollar figure was, and I thought that this might be temporary-stopgap housing if properly refurbished for these motel recipients, pending finding for them suitable other housing.

And I might add that subsequent thereto, as County Executive of Nassau County, that is exactly what I accomplished, because these people moved in in the stealth of night, were deliberately used for political purposes to embarrass me and my administration in my upcoming campaign, and when I became County Executive, we worked to find suitable housing for these people and they were individually removed and found proper housing.

The reason that we would not permit them to stay there was because the buildings had been condemned, they were firetraps and there were many other problems, including the proximity to Topic House, which is a drug rehabilitation center, and it was felt that that presented some problems as well. But we did in fact turn it around so that people who were living there were found proper and suitable housing after I became the County Executive.

Q Do you recall that after you had announced your candidacy for County Executive, and after the welfare recipients had occupied the Mitchell Gardens units, a proposal came from the County Administration, before the Board of Supervisors, to renovate -- which would have led to the renovation and refurbishing of these units so that welfare recipients could be resided there on a temporary basis and that you, while on the Board of Supervisors, supported that resolution?

A I supported it, but I believe the record will show that the other supervisors rejected it because there was no money, as I remember it now, appropriated to refurbish these barracks.

Q That may be so, Mr. Caso, but when the resolution, the substantive resolution, came before the Board of Supervisors in early 1970 to proceed with a plan which would have been effectuated, would have required the funding of that plan, but to proceed with the plan you supported the plan; is that correct?

A I supported the plan because I had proposed the plan. It was my plan. I had said that we ought to use the Mitchell Gardens as a stopgap-temporary facility so we could save our county taxpayers hundreds of thousands, literally millions of dollars that it was costing the

county to keep welfare recipients in high-priced motels.

Q Why would you have supported a plan that was the result of an attempt to embarrass you politically?

A That is not the plan that was -- it was my plan, so how could my plan embarrass me politically? You don't have your facts right. It was after that was rejected by the Board of Supervisors and I voted for it, as I recall, which was consistent with my view.

Q I see.

A And subsequent thereto, that the welfare recipients were moved in to Mitchell Gardens without refurbishing, without rehabilitation, particularly to point up and dramatize the lack of housing, the need for housing, as we were going into the County Executive campaign in 1970.

Q I would like to -- you may not have understood me. The facts will show that the welfare recipients occupied the units in late 1969. They were already in the Mitchell Garden units when the proposal came before the Board of Supervisors to refurbish the -- and use the Mitchell Garden units. It was at that time that you voted to approve the proposed plan.

MR. JASPAN: If your Honor please, I think that when Mr. Bellman says, "The facts show," he has to demonstrate whether they were

all occupied or whether there had been an initial invasion or whether they came in in waves.

This thing was a successive thing with a turning of the screw, as it went on, and even though the Board had rejected -- I don't want to be testifying, but what I'm saying is --

THE COURT: Almost.

MR. JASPAN: I was familiar with that situation at that time.

What I am saying is that you can't pose a question --

THE COURT: Let him answer the question.

MR. JASPAN: He's posing a question based on facts which are not in the record.

THE COURT: He's the first witness I've had up here who is really familiar with everything that is going on and is answering the questions as forthright as he possibly can.

There is nothing wrong with it.

MR. JASPAN: The questions aren't asked that way.

THE WITNESS: Thank you, your Honor.

THE COURT: This is not meant to be complimentary. I have been sitting on another

Nassau County?

A Yes, I would say so, as the Nassau County Republican Chairman, I think that's important. Elected, I might say, by the committeemen of the County Committee.

Q Do you recall that in March of 1970 Mr. Margiotta came out opposing the plan to house welfare recipients at Mitchell Field Gardens?

A In March of 1970, I imagine he did, as did many others.

Q At that time you were supporting the plan to house welfare recipients at Mitchell Field Gardens; is that correct?

A Not to my knowledge, no. In March of 1970 I was opposed to it because--that is exactly what I have just testified,--that it was in the Spring of 1970 when these people, welfare recipients living in motels, moved into this area illegally, and I opposed it at that time.

Q Well, was it when they first -- I'm trying to determine when you decided that you no longer were in favor of a plan to house welfare recipients at Mitchell Gardens.

Was it at the time that this group occupied the units, is that your position?

A It was at the time that the Board of Supervisors, as I

recall it, rejected the plan to refurbish and rehabilitate these barracks. Subsequent thereto, the issue was dead. It wasn't until, illegally, when the welfare recipients moved or were moved into these unsafe barracks, that I then said that this was improper and should not be done.

Q Let me show you two articles from "Newsday" of March 1970. Perhaps you can look them over. It might help you refresh your recollection as to the facts and dates involved, if you do so.

A You are showing me newspaper stories dated March 16th, 1970.

Did you have a question you wanted to ask?

Q Well, it's my understanding of the facts, Mr. Caso --

MR. JASPAN: I object, if your Honor please, to what his understanding is.

MR. BELLMAN: This is cross-examination, your Honor.

I can help the witness bring out certain facts and establish a pattern.

THE COURT: It is the question that is important, Mr. Jaspan.

Q Let me show you an article dated July 28 1970 -- strike that.

My question to you, Mr. Caso, is whether or not the fact that Mr. Margiotta came out in opposition to the -- your proposal to house welfare recipients at Mitchell Field had any effect on you changing your position to oppose the plan to house welfare recipients at Mitchell Gardens?

A No. Because at the time that you are referring to, in March of 1979, my position had already changed relative to the improper and illegal use of these barracks that were not properly refurbished to provide suitable and safe housing for anybody, whether they were welfare recipients or not.

Q So you then opposed a plan that would have refurbished the units, contrary to your original proposal that --

A I'm sorry if you don't follow my --

Q I'm having some trouble.

A -- my testimony, but you've got the entire thing out of context. I told you initially that it was my plan, and I proposed that the buildings be refurbished at County expense. It is my recollection that the Board of Supervisors rejected that proposal prior to the March 1979 date, which you have raised, and the moving in illegally of welfare recipients into Mitchell Gardens.

And when they were moved in illegally, because of the

unsafe structures in which they moved, and in the manner in which it was done for political purposes, I stood opposed to it at the outset.

So you've got to get into proper context the two plans.

Q That comes back then to the article dated March 16, 1970 which begins:

"Nassau GOP Chairman -- "

MR. HYMAN: Objection, your Honor.. I have been quiet, but there has been no proper foundation for reading a newspaper article.

THE COURT: None.

MR. HYMAN: There was no testimony that Mr. Caso is familiar with this article or he made no statements in the article. We are just rambling along over here.

THE COURT: Are you going to read an article by Mr. Margiotta?

MR. BELLMAN: No. The article states --

THE COURT: That says Nassau GOP; who is that?

MR. BELLMAN: The article is a Newsday article.

THE COURT: I am going along very nicely this morning. I'm keeping quiet, I'm listening,

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candidate, the Democratic-Liberal candidate for County Executive made it so.

It was a contrived plot to develop the issue in the campaign, relative to housing, because my position on housing has been very clear from the outset. I have been consistent, if nothing else. I have always opposed high-rise, high density apartment housing, not only in the Town of Hempstead, where I have the jurisdiction -- and let's not forget that you don't have the zoning. You seem to infer that that could have been done by waving a magic wand, when you don't consider the legal requirements here.

Q We are talking about Mitchell Gardens right now.

A Which again is the irresponsible position that the opponent took, because he talked about building thousands of units for veterans, the poor and minority groups at Mitchell Field, where the zoning happens to be, for your information, residential B, which is one-family housing on 6,000 square feet.

Q Mr. Caso, how was this plot to be of assistance, -- this so-called plot of assistance to your opponents and their campaign?

MR. JASPAN: I think that is going far

Q Mr. Caso, do you recall that on May 26, 1970, a large meeting was held at a high school auditorium in Uniondale where the issue of housing welfare recipients was the subject before the body?

A No, I don't recall that.

Q Do you recall a meeting where 1,200 residents on May 26, 1970 -- residents of the Uniondale district --

MR. JASPAN: If your Honor please, he has already asked that question once and the witness says he doesn't recall the meeting.

THE COURT: He doesn't recall.

Q I would like to show you a copy of an article dated May 27, 1970 from Newsday.

THE WITNESS: Will you get my glasses, please?

MR. JASPAN: Surely.

Q (Continuing) -- dealing with a --

MR. JASPAN: Forget about what it deals with. I object to any description.

THE COURT: Show it to him.

MR. JASPAN: If you want to ask the witness if this refreshes his recollection --

Q Will you read the article and see if it refreshes your recollection, Mr. Caso?

A After reading this Newsday story dated May 27, 1970, I do recall that as the presiding supervisor of the Town of Hempstead I had appointed a town advisory committee that held public hearings throughout the communities that surround Mitchell Field, and I believe it is in that context that this meeting was held.

Q Do you recall sending a representative to that meeting?

A No, I don't think I sent a representative because this was a board or committee that was named for the purpose of going into the community to discuss the development of Mitchell Field, and that as part of that plan to visit the communities and get their opinions relative to the development of Mitchell Field I had a position paper which was read at that meeting and subsequent meetings that were held based on this method of getting opinions from the community.

Q The article states --

MR. JASPAN: I object, if your Honor please, to any statements.

THE COURT: Sustained.

Q Did you -- do you recall authorizing any individual to be your spokesman at that meeting?

A No, nobody was my spokesman at that meeting because -- again, I will try to clarify what the purpose of the series of

meetings was. This was a committee that was named by the Hempstead Town Board to hold public hearings at night in all of the communities that surround, as I have said, the Mitchell Field complex. And that as part of the background for the meeting I had prepared a letter which stated my position relative to the overall development of Mitchell Field.

And it is my recollection that that letter was read preliminarily at the start of each of these meetings which set forth my position relative to the development of Mitchell Field. So that I did not appear personally. I did not have such a representative or spokesman at the meeting, but did so by means of this letter which details my position relative to Mitchell Field.

Q Who would have read your letter? The Chairman?

A The Chairman of the committee.

Q Do you recall whether your letter dealt with the issue of housing welfare recipients at Mitchell Gardens?

A I don't recall that it did, though the letter will speak for itself. And I think I testified in the examination before trial relative to that letter.

Q Do you recall that during August or early September of your campaign in 1970 for election to the office of County Supervisor sending out --

A County Executive.

Q County Executive. I am sorry.

Sending out about 9,000 letters with your signature as presiding supervisor to the residents of Uniondale dealing with the subject of Mitchell Gardens and welfare recipients at that site.

MR. HYMAN: Your Honor, the Government objects on this ground: When this individual was running for office as a candidate to an office, he wasn't in any position. What he said was campaign puffing.

THE COURT: I understand.

MR. HYMAN: It wasn't an official --

THE COURT: I know. It wasn't an official act.

MR. HYMAN: I think he can only be held accountable for those acts while he's in office. Anything that he might have said or done in the way of running for office is not binding on him or any of the parties to this proceeding.

THE COURT: I accept it as such. I accept issues in a campaign not to be the issues when you are actually doing a job.

Q Do you recall sending that letter to 9,000 residents of Uniondale?

decision. We feel we have to establish --

THE COURT: They usually call that, when a candidate makes a commitment, political expediency. And I know that, too.

Q Mr. Caso, did you commit yourself to the --

THE COURT: I don't say he did it.

MR. BELLMAN: I am asking him.

THE COURT: Some candidates will use it as political expediency.

I accuse this man of nothing. Don't be picking up something I am telling you. Just ask your questions now.

Q Mr. Caso, did you commit yourself to the residents of the Uniondale section to oppose the housing of welfare recipients at Mitchell Gardens during the campaign of 1970?

A During the campaign of 1970, I recall that I indicated that if elected county executive, I would not permit the continuing use of Mitchell Gardens to house welfare recipients, but would do everything within my power to move them out of there into proper and suitable housing for them throughout the entire county of Nassau.

Q Mr. Caso, I would like to read you a statement from the administrative code of Nassau County, the open

housing law, Section --

MR. JASPAN: If your Honor please, the Court can take judicial notice of the law.

THE COURT: Yes, judicial notice.

MR. JASPAN: It's in my brief. And we have an open housing code. And we are proud of the fact that we enforce it.

MR. BELLMAN: There are certain factual statements made in the resolution and I want to ask the witness whether he agrees with the statement or not.

THE COURT: Whether he agrees with the law that --

MR. BELLMAN: The factual statements set forth in the resolution to the law --

THE COURT: That passed the law? It doesn't make any difference whether he agrees with it or not. If it's the law, it's the law. He has to enforce it. What difference --

MR. JASPAN: And it has to be read in the context of this particular law, not in the context of this trial.

THE COURT: Absolutely not.

MR. BELLMAN: I'm not sure I understand.

I am asking whether --

THE COURT: I am certain of it.

MR. BELLMAN: I am asking, I can ask the witness whether certain facts that are stated in this law are true and whether he agrees with this.

THE COURT: Absolutely not. IT's for the courts to interpret the law. Whether he agrees or not is immaterial. He merely has to improvise or implement the law. The Court is the one who enforces it.

Q Mr. Caso, did you vote in 1969 on the issue of the adoption of an open housing law for the administrative code of Nassau County while on the Board of Supervisors?

A My recollection is that the Board of Supervisors did pass an open housing law. And I don't recall the exact date. Again, I am sure that the supervisor's calendar would indicate that, and that I voted for it.

Q And in so voting for it, wouldyou have been enforcing the statements and provisions of that law?

MR. JASPAN: If your Honor please, I object

THE COURT: I just said that they implement or improvise the law and the Court enforces it if there is a violation.

Q Tell the Court --

THE COURT: That's why we separate the legislature from the judicial.

Q Will you tell the Court what was the racial makeup of the group that occupied the Mitchell Gardens units?

MR. JASPAN: If your Honor please, we are going far afield.

THE COURT: Yes.

MR. JASPAN: In August of 1970, there were 15 houses occupied by -- 15 families in there. He's prometing that into a big deal here.

THE COURT: Yes.

MR. JASPAN: This has to be in perspective.

THE COURT: I think 35 were in motels and they moved them into Mitchell Gardens, -- I haven't forgotten.

MR. JASPAN: We will show that in August there were only 15 families.

MR. BELLMAN: And it became one of the most controversial issues in Nassau County because they were people who were black moving to Mitchell Field. It goes to the heart of our

case. It is a critical issue and we feel we should be allowed to pursue it.

THE COURT: You just made your statement. I will accept your statement. I will accept your statement if you say it's so. It's on the record.

(continued next page)

Q Mr. Caso, are you familiar with the racial makeup of the Uniondale school area?

A I know it's an integrated community. I don't have any percentages, however, at my fingertips that would indicate, you know, what the breakdown is. But I know that it is an integrated community.

Q It's true, is it not, that there is a concern among white residents of the Uniondale section that there is a possibility that a greater influx of minority citizens could alter that racial makeup and change the integrated nature of the community.

MR. JASPAN: If your Honor please, I object to that question again.

THE COURT: Sustained. Strictly speculative.

Q Have you ever been advised that a major issue among the residents of the Uniondale section is that an increase in the minority population could cause a tipping factor or an exodus of white residents?

A No. I have no personal knowledge or have been advised of that.

Q Prior -- after you were elected County Executive and prior to assuming office, you committed yourself, did you not, or you stated that you would dissolve the Mitchell Field Development Corporation?

A Yes. That's correct.

Q Could you tell the Court why you acted to -- and then subsequently you took certain action when you assumed office, which led to the dissolution of that body? Is that correct?

A Yes. I, upon my election as County Executive, asked the members of the Mitchell Field Development Corporation, which had been appointed under a compromise formula with the then County Executive, that they submit their resignations. And at my request they did so. Whether or not the corporation was dissolved legally or not, I don't know.

Q You took the position that funds should not be allocated to continue the Mitchell Field Development Corporation; is that correct?

A My recollection, again, is that the corporation was funded by the county, and that in the event that the resignations were not forthcoming, that it was likely that the Board of Supervisors would not continue to fund the corporation.

Q Were the resignations forthcoming?

A Yes, they were.

Q Did you appoint any new members to the Mitchell Field Development Corporation?

A No. Because I did not approve of that method of development at this point in time of the Mitchell Field complex.

Q What development?

A Well, the plan for the development of Mitchell Field was brought under the control directly of the County Government, rather than having a separate and autonomous body dealing with what I thought was a Governmental function and was twice removed from the electorate by the use of a corporate body.

Q Did you also, at some point early, after assuming office, advise the planner for Mitchell Field Development Corporation, Henry Liu, that there would be no housing at Mitchell Field.

A I met with him after being elected and sworn in -- I think I was in the position of County Executive when I met with him, and I did indicate to him that I did not believe that housing should have a high priority in the overall development of Mitchell Field.

Q Did you tell him that except for the Santini property, there would be no housing at Mitchell Field?

A Except for the Santini property, where we had contemplated senior housing, it was my judgment that there would be no housing at Mitchell Field.

Q And you so instructed him; is that correct?

A And I advised him of my views, yes.

Q Is there an overall master plan at this time, outlining the development of -- for Mitchell Field?

A It depends on how you define a master plan. And I say there is a plan -- whether it's a master plan or not, again depends on your definition of a master plan. But we are developing Mitchell Field according to a plan.

Q Well, is that plan reduced to any illustrative rendering or any written form?

A I think there are memos, letters, papers that would indicate the approach that my administration is taking in the development of Mitchell Field.

Q Has it been reduced to any illustrative plan for this site?

A Well, my illustrative plan, again, it's a question of semantics. There is no markup or model if that is what you are talking about.

But we do have maps. We do have markings on maps that indicate what various of the parcels are being used for or will be used for, or contemplated use for.

Q Well, I am particularly interested, Mr. Caso, in the map that has been -- that has markings on it, which shows the various proposed uses. Is that map

available?

A Well, the map I make reference to are those that appear in the courtroom. I don't know of any other maps. But I think if you look at those you will see either existing uses or contemplated uses or allocation of acreage.

MR. BELLMAN: The witness has made reference then to defendant's exhibit P and --

MR. JASPAN: Not the other one.

MR. BELLMAN: Defendant's exhibit P.

Q Is that the only map that you know of which would fall within the category of maps with designations of uses?

A Yes.

Q It's true, is it not, that Henry Liu has advised you that the County should proceed to develop an overall master plan in rendering for the development of Mitchell Field?

A I think as a planner, he would obviously recommend that there be a master plan. And we have retained him. A contract has just recently been approved by the Board of Supervisors to work with the Nassau County Planning Association on a plan for Mitchell Field.

Q Well, at this point in time, there is no overall rendering of, or design proposals; is that correct?

A That would be correct in the sense in which you are using those words. But there is a plan and we have a plan for the development and the allocation of the use of the land.

Frankly, I'm getting sick and tired constantly hearing that there is no plan for the development of Mitchell Field.

And another candidate has just entered the field running against me, who is saying that there is no master plan for Mitchell Field.

Now, I don't know what you want to call it. But we are not just letting Mitchell Field grow like Topsy. There are allocations for land for planned use and planned unit development, if you want the technical phrase for Mitchell Field, including Santini.

Q And this would emerge from a series of memoranda? Is that your position?

A Memoranda, conferences, discussions, the whole gambit of the operation of the administration of Government.

Q Well, from the outside to determine what is going to happen at Mitchell Field, what would you point out to me to read or to look at to determine where you are going in terms of development of Mitchell Field?

A I would answer specific questions relative to the

development of Mitchell Field. And I would refer them to memoranda and letters that I have submitted, public statements that I have made ad nauseum, about the development of Mitchell Field. There is no secret about the development of Mitchell Field as far as I am concerned. And we have a plan.

Q Now, where is that plan?

MR. JASPAN: If your Honor please, he's arguing with the witness.

THE WITNESS: I have already answered that question.

THE COURT: He has already answered. That's his best answer.

Q Now, you stated before that the overall purpose for Mitchell Field is to further civic, cultural and education goals; is that correct?

A Educational what?

Q Civic, cultural and educational purposes or goals.

A Yes, that is correct.

Q Will you tell the Court how commercial uses which you state would be included in the development of Mitchell Field, fits in with those goals?

A We have always taken the position that when you're

talking about this development, about this massive acreage of property, that you have assessed valuation and -- we have completed a coliseum that costs 31 million dollars of the taxpayers' money. I would like to counter-balance that by having office development, commercial development, industrial development that will pay taxes to the residents of Nassau County. And that's how that becomes a balance in the use of this property. And we have areas that have been set aside on Hempstead Turnpike for such development, and at Santini, 50 acres there that is available, and the northwest quadrant, which has been the subject of such discussion in this case, which is for industrial use because of the railroad siding, and that kind of development

Q So your position is that commercial uses fit within the notion of civic, cultural and educational goals, because they will pay for those goals? Is that fair?

A Because of what?

Q They will pay for those projects?

A Because they will lie in assessed valuation that will inure to the benefit of the taxpayers of the entire county. And you have got to understand the tax system in our county, where this money will revert to particular locations within the districts that are included in the Mitchell Field complex and overall, into the general county

fund.

Q So in that sense the commercial properties would further civic, cultural and educational goals?

A Would help to carry the tax burdens generally for the people of our county, --

Q Well --

A (continuing) -- by bringing in rates able --

Q I am trying to determine how commercial uses which you state are to be part of Mitchell Field --

MR. JASPAN: If your Honor please, he has answered this question.

THE COURT: It's for me --

MR. JASPAN: And prior witnesses have answered it. They talked about jobs and the needs of the community. I don't know why you're pressing it ad nauseum, if I may borrow a phrase.

THE COURT: I will sustain it.

THE WITNESS: Be my guest.

Q Mr. Caso, do you believe that people who propose housing to be included at Mitchell Field are politically motivated against you?

MR. JASPAN: I object to that.

THE COURT: Sustained.

Q It's true, is it not, that a large number of community organizations in Nassau County have come out on record in support of inclusion of housing at Mitchell Field; is that correct?

A I would say that there must be some people who have said that there should be housing at Mitchell Field.

I couldn't name the groups or at what point in time. I would say that as of right now, if you are going to look at it currently, I can't think of looking at any group that is at the front for pressing for housing. Unless you want to consider yourself as one of the advocates for it.

Q Could you tell the Court what the Long Island Association of Commerce and Industry is?

A The Long Island Association of Commerce and Industry is the Chamber of Commerce for the Long Island area.

Q Has that organization taken a position openly with respect to whether housing should be included in -- at Mitchell Field?

A My recollection is that they have disavowed a task force which was headed up by a man who is now an opponent of mine in this election, who is the only voice crying in the wilderness, making an issue of housing at Mitchell Field at this point in time. The Long Island Association of Commerce and Industry did appoint a task force to

determine the overall development of what should be done at Mitchell Field. The task force, as I understand it, ran amok and became to represent the views of one individual who has now been disavowed by the Long Island Association of Commerce and Industry.

Q It's true, is it not, that the Nassau County League of Women Voters has endorsed the proposition that housing --

MR. JASPAN: Your Honor --

THE COURT: Then bring them in. Why are you asking --

MR. BELLMAN: I want to ask him whether he knows that these organizations support housing at Mitchell Field.

(continued on the next page.)

MR. JASPAN: If your Honor please, we have never challenged the fact that maybe somebody wants housing at Mitchell Field. But if they are going to testify, there -- they are going to testify as to what context, what kind of housing, in what time frame, not this witness.

MR. BELLMAN: If he knows.

THE COURT: That doesn't mean he's supporting it because there is discriminatory -- they may support it for other reasons.

MR. BELLMAN: It goes to the issue whether there is a compiling governmental interest in excluding housing. We can show this through a variety of means. If every responsible organization in Nassau County has come out openly and still supports the notion that housing should be included at Mitchell Field --

THE COURT: Responsible organizations from where you sit. If you are going to place yourself in judgment of what people are responsible or not responsible, then that is something different.

MR. BELLMAN: We can go through the organizations and find out.

* * *

THE COURT: Bring them in. Let me hear them. I am willing to listen. You can bring in anybody you want to get on this witness stand and we'll hear what their reasons are for what they want to do.

MR. BELLMAN: Okay.

THE COURT: But not that you are going to ask one question and expect me to draw all the inferences right down to California as to why these people are for it or not. I will not do it, and I don't intend to do it. I don't intend to do it. All right.

MR. BELLMAN: Well, I hope your Honor --

THE COURT: Don't try a case like that. You know, Mr. Bellman, you don't try a case before me that way.

MR. BELLMAN: Okay.

THE COURT: Don't leave questions hanging up in the air. If you've got some proof, bring it in. I never limit anybody from bringing in any proof.

MR. BELLMAN: It's a long list.

THE COURT: If you want to do it at 3 o'clock in the morning, bring them in.

and changes that have taken place since the Marcom plan, as the map shows, evolved in 1969.

Q Now, you have stated several times that you have enforced a scatter-site housing plan. Could you tell the Court precisely what that is, and how you view the -- how you proceed to resolve the county's housing problems?

A Just prior to the time that I left the office of presiding supervisor of the Town of Hempstead in December of 1970, I put forth a proposal which was referred to as the scatter-site plan to provide housing within the Township of Hempstead. The concept being that we would seek out vacant land and property, within the township, that could accommodate housing based on the zoning within the jurisdiction of the town.

By that I mean if there was an area that could accommodate 10 units of housing, that 10 units would be put there. If there was another area that could accommodate 100 units of housing, then 100 units would be put there.

And I called for what I labeled blended housing, which was the 70, 20, 10. 70 percent middle income, 20 percent low income and 10 percent for senior citizens.

And that plan, which was spelled out just prior to my leaving the town of Hempstead and assuming the duties of County Executive, was left for the next administration

to implement as they saw fit. I think there were some 700 units as a beginning, that would have provided this concept of housing throughout the entire township. It was a plan that was applauded editorially by the local dailies, and which was, I might add, approved by the League of Women Voters and others who felt that that was the way in which the housing problems for Nassau County could best be resolved, by having every community, to take a share of housing, rather than to develop a massive high-rise density complex in one section of the county.

(continued on the next page.)

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DIRECT EXAMINATION

BY MR. BELLMAN (Cont'd):

Q Did you designate sites throughout the Town of Hempstead where your scatter-site program could be implemented?

A Yes. As I recall it, the Town of Hempstead Housing Authority after a search, we advertised, seeking land and after this was concluded, we came out with a program with specific names of locations, numbers of units that could be adapted to that land.

We also had preliminary approval from HUD and the other housing agencies that would be involved and it was a detailed workable plan that had been put furth which I left for the new administration in the Town of Hempstead.

Q Sould those -- would the files at the housing authority contain copies of that plan, with the designated units and their location, their proposed location?

A I would suspect that the Town of Hempstead Housing Authority should have that plan in its files.

Q Do you have a copy in your files?

A I -- I probably would have copies in my files in the office, though I don't recall specifically whether we

left them in the Town of Hempstead. I would assume that they are in the Town of Hempstead files because I would not have brought it with me to the county. Since I did not -- do not have housing jurisdiction.

Q Do you recall what the largest site was that you located in the Town of Hempstead for the scatter-site housing program you proposed?

A No, I would have to guess, but again the record would speak for itself. I would think the largest was probably in the area of about 200 units.

Q And how much land?

A Based on the zoning, which is the Town of Hempstead, which is 20 units per acre.

Q So 10 acres probably would be the largest parcel?

A Yes.

Q Was that plan implemented, to your knowledge?

A I left the Town of Hempstead and left the plan with the presiding supervisor. I think that there was an attempt to implement the plan by going into one community at the outset and because of misinformation that was circulated at that time, by a daily in our area, the -- the opposition in the community arose to such a degree that the then presiding supervisor in the Town of Hempstead

Board which had the jurisdiction abandoned the plan.

Q Was that Mr. Purcell that you are referring to?

A That would be -- he is the presiding supervisor of the town who succeeded me. That would be Francis H. Purcell and then the others who are members of the governing body there, the Town Board.

Q Isn't it true that Mr. Purcell took a very vehement line in opposing your scatter-site housing?

MR. JASPAN: If your Honor pleases --

THE COURT: Sustained.

Q To make the record clear, it is true, is it not, that to date there has been no implementation of your scatter-site plan and that there is no -- that none of the units you have proposed have been built on a scatter-site basis in the Town of Hempstead?

A As far as I know, that is so. But I might add that in an attempt to move housing forward in our county, despite the fact that I don't have jurisdiction or authority, I appointed a county housing coordinator, the first in the history of the Nassau County Government, to work with the local units of Government in an attempt to come up with housing according to a scattered-site plan. And there has been some progress made along those lines. Not necessarily in the Town of Hempstead but in other areas.

Q Could you tell the Court where the progress has been made?

A Well, I would think that in the Town of North Hempstead we have been working with the supervisor there. In the Town of Oyster Bay, there has been a plan put forth which calls for public housing. In the Village of Hempstead, in Inwood, in the Town of Hempstead under an urban renewal program, those are -- cases that have been advanced through the working together, if you will, of our county housing coordinator with the local governments.

Q When you say scatter-site, does that carry any any racial implications, in terms of placing low-cost housing in white communities?

A No, there is no racial implications implied or intended in this term. That is a term, word of art, that is used in the housing field. Scattered sites meaning that you would -- you would scatter the housing rather than have a massive development all in one location, that you would spread the housing around throughout the entire community, throughout the entire county.

Since land is so scarce in our county, it was a question of searching out properties where it was available. Not so much as to any racial or discriminatory judgments.

Q Would your housing coordinator have the

I don't deserve to be reelected to the position of County Executive and for you to imply otherwise is utter nonsense.

DIRECT EXAMINATION

BY MR. HELLMAN: (Cont.)

Q It's true, is it not, Mr. Caso, that the County has the power to -- if the Board of Supervisors were to approve, to create a housing corporation such as exists in Suffolk -- in Suffolk County, the Suffolk County Development Corporation?

MR. JASPAN: If your Honor please, that's a question --

A No.

THE COURT: Sustained.

MR. JASPAN: -- of law.

THE COURT: He said no, naturally. But sustained.

Q When you were here before, you made the statement that there was a commitment by GSA to place a Federal Office Building at Mitchell Field.

Could you tell the Court on what information you base that conclusion that there is a commitment to include a housing -- an office building at Mitchell Field?

A The Federal Government worked very closely with my

administration in a land swap,which I might add, saved our taxpayers over a million dollars, which I only point up to show that the flexibility of what is happening at Mitchell Field is very important here.

Because we did effectuate a land swap with the Federal Government after which they indicated that the property which was given to them on Stewart Avenue in exchange for other properties at Mitchell Field would be used for a $74,000,000 Federal Office complex.

The money has been appropriated by the Congress of the United States. And the GSA, I am told, is in the process of now reviewing architects and those who would be responsible for the construction of the facility.

Q Have you been advised when construction will begin?

A I have not been advised specifically as to date but I would think that the way it's progressing, it should be by the end of this year.

THE COURT: All right. We will suspend for a moment.

(Recess taken.)

THE COURT: All right. Continue.

(The witness resumed the stand.)

DIRECT EXAMINATION

BY MR. PELLMAN: (Cont.)

Q Do you recall who told you -- what Federal official told you that the federal office building -- that the Government was proceeding with the Federal Office building at Mitchell Field?

A My point of contact relative to that development has been Congressman John Wydler who represents the district in which Mitchell Field is located. And it is my understanding that all of the Federal laws being met, that the intention is for the Federal Government to develop that property on Stewart Avenue, which was the subject of the land swap for a Federal office complex.

Q Now, I just want to make one final thing clear. You stated that your position currently is that Mitchell Field should not be developed with housing, that housing would be inappropriate at that site except from the Santini property.

Was that also the position you took during your campaign in 1970?

A Yes. My position relative to high-rise, high density apartment house development has, I believe, been consistent, that this property should not be used as to the so-called solution to meeting the housing problem of

Nassau County.

THE COURT: You are talking about Santini property, too?

THE WITNESS: The Santini is the area where we have talked about senior citizen housing.

THE COURT: How many acres in the Santini property?

THE WITNESS: I think there are about 80 acres, round figures.

THE COURT: How many acres of that would be used for you say, senior citizen property?

THE WITNESS: I think about ten or twelve acres, the Town of Hempstead has contemplated using.

THE COURT: What would be the balance?

THE WITNESS: The balance would be as I indicated earlier, your Honor, some 50 acres for commercial development, to help hard-pressed district, which needs ratables and assessed valuations from -- desperately because of many governmental facilities that are contained in that area that are off the tax rolls.

THE COURT: Would it be possible to move those commercials to some other part of Mitchell field and outof Santini and put something else

there? Take that a housing area instead?

THE WITNESS: That's always possible. The problem, of course, lies with the zoning.

THE COURT: I understand that.

THE WITNESS: Again, the Town of Hempstead has jurisdiction.

THE COURT: I understand that, too. I've been all through that ritual.

MR. BELLEW: I have no further questions.

(Continued next page.)

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assessed valuation that is in that area, which is called the Mitchell Field complex per se, will not inure to the benefit of East Meadow, because they are not in that district.

THE COURT: I have another questions, but it skipped my mind.

Oh.

On the flight with the helicopter, there was an area that was shown to me, it was testified to by the fellow you appointed. I can't remember his name.

MR. BELLMAN: Kunz.

MR. JASPAN: He works for the Bi-County Planning Board.

THE COURT: Yes.

He said therewas an area and it was indicated to me, an area, stripped of land, where low cost housing could possibly have been placed, which was under consideration.

But looking from the sky, where I was looking, it didn't seem to me at that time that it would be feasible place because -- I made the comment that it would take more money for the person --

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-- the low cost housing person who was a resident there, to get to a store or get to work, than it was worthwhile living in the area.

You give that consideration, too, when you are building public housing of that type?

THE WITNESS: We give that consideration except --

THE COURT: The pocketbook has to be considered.

THE WITNESS: You have to consider also, the suburban context in which everybody in Nassau County lives, and one of our serious problems that we are wrestling with at this time and is within my jurisdiction, is providing mass transit.

As you know, we have just bought out the bus companies.

THE COURT: All right.

CROSS EXAMINATION

BY MR. JASPAN:

Q Mr. Caso, in paragraph 3 of the complaint filed in this action, plaintiff makes the following allegation, and I am quoting:

"The county is engaged in spot development

THE COURT: Good morning.

MR. HYMAN: Good morning, your Honor.

MR. BELLMAN: Good morning, your Honor.

THE COURT: Good morning.

MR. BELLMAN: Ready to proceed, your Honor.

THE COURT: Ready.

MR. BELLMAN: Mrs. Ward.

W I N I F R E D C. W A R D , called as a witness herein, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. BELLMAN:

Q Mrs. Ward, would you tell the Court what position you hold at this time?

A At the present time I'm the Executive Director of the Town of Hempstead Housing Authority.

THE COURT: Of the what?

THE WITNESS: Town of Hempstead Housing Authority.

THE COURT: All right.

Q Are you a resident of the Town of Hempstead?

A Yes.

Q How long have you been Executive Director?

A One year and four months.

Q So that it was --

A I'm sorry. One year and six months.

Q So it was early 1972 that you were appointed?

A February, '72.

Q February, '72.

Could you state what employment you held prior to February, 1972?

A Well, in the Housing Authority, I was employed in 1963, December, as Executive Secretary and in May, 1969, I was appointed Deputy Director of the Housing Authority.

Prior to that, I worked for private industry for eleven years.

Q Who appointed you to the position of Executive Director?

A The Town of Hempstead Housing Authority.

Q And who is the -- is the chairman of the --

A William T. Cleland.

Q What relationship would Mr. Purcell, the Town Supervisor, have to the Housing Authority? Does he hold any position in that body?

A None at all. He appoints the members of the Housing

Authority --

Q How many --

A -- with the Town Board, not as -- you know, as an individual.

Q I see.

What -- how many members are there of the --

A There are five members.

Q And did Mr. Purcell appoint the chairman who appointed you or --

A The chairman is appointed -- is elected at an annual meeting.

Q Of the Housing Board?

A Of the Housing Authority.

Q Housing Authority.

Could you tell the Court how the Housing Authority operates in relation to the Town Government, in terms of fulfilling the Housing Authority responsibilities?

A Excuse me.

I'm not sure I understand that question.

Q Well, could you tell the Court what is the relationship between the Housing Authority and the Town Government?

A Well, the Town and the Housing Authority have a cooperation agreement, whereby we get service -- different

services from the Town, such as garbage pickups, so on, but we do then in turn pay our payment in lieu of taxes, but we do also have to go to the Town for zoning.

And our projects in construction are under the -- inspected under the building code, the Building Department inspects our projects.

Q The Housing Authority is an independent corporation: is that correct?

A Right. That's correct.

Q When was the Hempstead Housing Authority established?

A August, 1963.

Q And that was pursuant to resolution or legislative action?

A An act of legislation.

Q By the Town of Hempstead?

A At a request I think by the Town of Hempstead.

Q What precisely is the function of the Housing Authority?

A To provide housing for needy, to provide standard decent housing for families and senior citizens.

Q Is that responsibility defined in any charter or document of the Authority?

A I've read it someplace. I'm not sure really.

Q It's true, is it not, that the major way that the Authority performs its function is through the use of public housing funds; is that correct?

A That is correct.

Q And these would be funds that come to the -- to the Authority through the Department of Housing and Urban Development?

A Yes. That is correct.

Q Who funds the day-to-day operations of the Authority?

A The Federal Government and through our rent collections we maintain the operations of the office and the maintenance.

Q How many public housing projects are there currently in the Town of Hempstead?

A Twelve.

Q You have provided me with a list of those projects; is that correct?

A Yes, I have.

Q This is a document that on the top reads, "Item 1 and 4". That makes reference to the subpoena that was served upon you; is that correct?

A Yes.

MR. BELLMAN: I'd like to have this document marked as Plaintiff's Exhibit -- I'm

not sure what we are up to. We believe it's 32.

THE CLERK: Yes.

This will be marked Plaintiff's Exhibit No. 32 for identification.

(So marked.)

BY MR. BELLMAN:

Q Now, Mrs. Ward, could you tell me --tell me what this document contains, Plaintiff's Exhibit 32 for identification?

A All right.

This is brockn down into the number of our projects, twelve projects; the location of the projects, the number of units in each project, the number of units for elderly in each project, the number of family units in each project and then the racial composition in each project.

Q Now, the designation under Project No. NY 46 --

A That is a HUD number. A designation by HUD. Our Housing Authority is NY 46 and each project is designated after that.

MR. BELLMAN: I'd like to move this document into evidence.

MR. JASPAN: No objection.

MR. HYMAN: Mr. Bellman, please.

BY MR. BELLMAN:

Q Now, one question before we proceed. The numbers here, these are by units; is that correct?

A Right.

Q And when you have a racial composition of 82 white and one black and one other, that means there would be 82 white families?

A 82 white families.

Q I see.

This is not the actual number of residents of these projects -- units?

A In senior citizen projects, the majority of the families are one.

Q But in terms of families, family projects, the 104 would refer to number -- 104 --

A 104 would be -- where is that? That would be families. And I don't know if I have that breakdown, how many one-bedroom apartments compared to efficiencies.

The efficiencies would be one person but in a lot of cases, where one of a mate would pass away, this would be only one person in one bedroom also and it wouldn't necessarily mean that there were two people there.

MR. HYMAN: No objection.

MR. BELLMAN: Okay.

I'd like to have this marked in evidence.

THE CLERK: Plaintiff's Exhibit No. 32 previously marked for identification, now marked in evidence.

(So marked.)

BY MR. BELLMAN:

Q Now, Plaintiff's Exhibit 32 is a full summary of the total number of units in each one of the projects; is that correct?

A Right.

Q And the number of units designated for elderly, number of units designated for family use and the racial composition under the various catagories; is that correct?

A That is correct.

Q How is a unit earmarked exclusively for elderly?

A Well, it's designated for elderly when we receive our program reservation.

The size of the apartment and the zoning would limit it for the use of elderly or possibly disabled.

Q Now --

A The Town of Hempstead has a zoning for elderly housing.

Q I see.

And that -- under that zoning, only elderly

people could live in the development?

A That is correct.

And we can build thirty units to an acre for elderly. Whereas, for family, because of the number of people, we can only build twenty.

Q Now, there are only two proejcts, as I understand it, in the Town of Hempstead, that are designated for family?

MR. JASPAN: I object to that question. That's not a fair statement. It's not the Town of Hempstead. It's two projects by this Housing Authority. That is not the Town of Hempstead. There is a big difference.

MR. BELLMAN: I didn't say that. I said "in the Town of Hempstead."

MR. JASPAN: That's what you said and that's wrong.

MR. BELLMAN: Are there more than two projects?

THE COURT: Don't argue with each other. Rephrase it. Don't argue with each other. Just rephrase it.

BY MR. BELLMAN:

Q How many housing projects for family -- for

families under the Authority, Housing Authority, are located in the Town of Hempstead?

MR. JASPAN: That's a different question.

A In the unincorporated area of the Town of Hempstead? Two.

Q And those two are in the Inwood section, is that correct?

A That is correct.

Q Now, are there other public housing projects in the Town of Hempstead under other jurisdiction than the Hempstead Housing Authority?

A Yes, there are.

Q And where are those projects located?

A Well, I would -- I'm not sure that I would give you all of the locations but, Hempstead, Freeport, Lynbrook, Long Beach. And I'm not sure of any others.

Q Now, those would be in incorporated villages which would have their own housing authorities?

A Right.

Q Do you know if any of these housing authorities have constructed projects for families?

A That was your question, yes. They have elderly housing.

Q Excuse me?

A For families.

Q Do you have any idea as to the number of units in the Village of Hempstead for families?

A No, I don't. No.

Q Do you have any information as to the number of family units in any of the other incorporated villages?

A No, I don't.

Q Inwood -- the two Inwood projects are listed here as having 45 and 35 units respectively and that the first project has 42 family units occupied by blacks and the second -- and now there seems to be a problem.

Under the project NY 46, No. 5 --

A Yes.

Q You say the total number of units is 35?

A Fifty.

Q Oh, excuse me. I see. Fifty.

A Okay.

Q Now, these two projects are predominantly black; is that correct?

The second unit is 48 out of 50 are black?

A Yes.

Q Is the Inwood section a minority-- racial minority section?

MR. HYMAN: Objection, your Honor.

That question is very vague unless you get into specifics of ratios or an understanding of what the question encompasses.

THE COURT: Yes, I would say so.

BY MR. BELLMAN:

Q Do you have any information on the racial composition of the Inwood area?

A Not really, no.

Q You have no idea what -- who lives in Inwood?

A Oh, I do. From -- I've taken a bus down there. I've driven through Inwood or I've visited our sites. I've met with tenants.

I know that it is, from what I -- my own personal observation -- I have seen Italians, blacks, Jewish.

Now, I don't know whether they all live there or, you know, whether I just --

Q Are the two projects in the Inwood section located in urban renewal area of Inwood?

A No, they are not.

Q Isn't it true, Mrs. Ward, that the Inwood section is known as a predominantly black area? The urban renewal section --

MR. JASPAN: I object.

MR. HYMAN: Objection.

THE COURT: Sustained.

BY MR. BELLMAN:

Q And your figures show, do they not, that the racial composition of the projects in the Town of Hempstead for elderly are predominantly white; is that correct?

A That is correct.

Q How old does a person have to be to reside in an elderly project?

A Sixty-two years.

Q Now, could you tell the Court, if you know, how it came about that the Town of Hempstead has constructed 1,159 public housing units and 1,079 of those units are exclusively for elderly?

A The Town of Hempstead built how many?

Q Your figures on this sheet show that there has been a total number of 1,159 units of public housing constructed by the Housing Authority. And that 1,079 of those units are for the elderly.

I'm asking you whether you have any information as to how that -- how that policy came about, that the majority of the units would be reserved for elderly as opposed to family?

A Due to the number of applications and requests for applications that we received, the majority were from senior

citizens.

Overwhelmingly, senior citizens have applied for housing, for low-income housing.

Q I wonder if we could go down this list and if you could tell me the year that each of these projects were built?

A Green Acres was the first, in 1968, January of 1968. Maybe I have that here. I'll give you an estimate of when they were completed. January 1968 for Green Acres.

MR. JASPAN: If your Honor please, we now know that it's built between '68 and '73.

I submit it's a waste of time to go down and get the date of each one of these projects.

THE COURT: If he wants to do it, I'll let him do it.

A All right.

Levittown was May, 1969. Uniondale and Park, approximately -- these are approximate figures -- March, '71.

Bayview and Wolcott -- I have 12/71. That did not come through at that time. So, I'll have to -- it was about last June, Bayview.

Q What project is that?

A That's 4. NY46-5 was September, '69. 46-6, Baldwin, November, '70. NY46-7, April, '71. NY 46-8, June, '71.

NY 46-9, 8/71. NY 46-10, April, '72. That was wrong, too. That was more like September of '72.

These were estimates of the dates that we expected the projects to be ready.

Q That's good enough.

A NY 46-11, 11/71. NY 46-12, 6 -- no, 7/72. We just had it one year.

Q Now, that list also tell -- give us some idea of when the authorization for the construction of these projects would have been given?

A No.

I know that the project in -- on Bayview Avenue in Inwood was held up for a while because of noise abatement problem.

Q It's true, is it not, Mrs. Ward, that no project has been approved by your Authority since 19 -- the beginning of 1971; is that correct?

A That is correct.

Q What was the approximate date of the last approval of a housing project in Hempstead?

A I really have no idea. The exact -- you know, a date.

Q Well, were any approved in 1970?

A I would imagine so.

Q Now, you stated that the policy to build

housing units for the elderly derived from the number of applications.

Did applications come into the Authority prior to 1963?

A In 1963, they started coming in. When we opened our office.

Q I see.

A These were requests for applications. Requests for housing.

Q How many applications currently does the Housing Authority hold for units?

A I have this on the figures I gave you. 4,880 on elderly.

Q And how many family?

A 302.

Q Does the Housing Authority undertake any studies to determine the housing needs of the citizens of the Town of Hempstead or does it in conjunction with formulating plans for the constructions of housing units?

A We have not so far.

Q Does the Housing Authority consult with any planning agencies such as the Nassau County Planning Commission or the Bi-County Planning Commission, with respect to documenting the housing need in conjunction with its housing programs?

A No.

Q So you solely rely upon the number of applications you received; is that correct?

A Yes.

Q Now, what proposals does the Housing Authority currently have for the construction of additional public housing units?

A We do not have any proposals. You mean from contractors?

Q Not from contractors.

What plans at this time does the Housing Authority have for the construction of public housing units?

A Plans. They have plans for the construction of 325 units; 250 for elderly and 75 for family.

Q Now, those 250 units are earmarked for the Santini location; is that correct?

A That is correct.

Q And that's at Mitchell Field?

A That is correct.

Q Where are the 75 family units to be located?

A I would say 25 in the Inwood Urban Renewal area and 50 throughout the unincorporated area of the Town of Hempstead.

Q Have sites been located for these 75 units?

A Not to my knowledge, no.

We would have to advertise for these sites, except for the one in Inwood.

Q In other words, you have a site for the 25 --

A There is a possibility of a site in Inwood, yes.

Q Where is that site located?

A I would be guessing if I told you. I really -- I think it's behind our -- our project.

Q Now, this 325 unit plan or proposal is the -- derives, does it not, from an agreement that the Housing Authority in the Town of Hempstead reached with the Department of Housing and Urban Development; is that correct?

A I'm not aware of an agreement. You mean, a written agreement?

Q An understanding?

A An understanding? Possibly, yes.

Q Do you recall that the Department of Housing and Urban Development instructed the Housing Authority or advised the Housing Authority that no more Federal funds would be provided to the Town for construction of additional public housing units unless the Town reversed its policy with respect to construction of housing for families?

MR. JASPAN: One minute.

Can I have that question read back?

(Record read.)

MR. JASPAN: I object, if your Honor please. That's too indefinite because this question of reversing its policy is no indication of what the policy was or what --

THE COURT: I'll sustain it. I'll sustain it.

BY MR. BELLMAN:

Q Do you recall any communications or any exchange of positions or information that came to the Housing Authority from the Department of Housing and Urban Development with respect to the construction -- with respect to the provision of housing funds for the Housing Authority, public housing funds?

A I would say there was never anything in writing sent to the Housing Authority that I was aware of.

Q Don't you recall that there was quite a controversy --

A In the newspaper, I do.

MR. JASPAN: If your Honor please, testimony as to what's in the newspaper is not relevant.

THE COURT: I'll sustain that.

MR. JASPAN: Her personal knowledge is

there was no notice of any kind.

THE COURT: That's what she says.

BY MR. BELLMAN:

Q Did you ever have any discussions with anyone in the Housing Authority with respect to the fact that there were no more funds forthcoming from the Department of Housing and Urban Development for public housing units in the Town of Hempstead?

A Only since this moratorium have we discussed the lack of funds.

Q So it is your position here today that you have no personal information with respect to any kind of controversy over the fact that the Town of Hempstead Housing Authority was not building sufficient numbers of family units?

MR. JASPAN: If your Honor please, I object to the question. He's trying to put in -- first of all he's leading the witness. In the second place, this witness has already testified the only information she has about a controversy is what she reads in the paper so she does have some information but that's not the kind of evidence you put in Court.

THE COURT: You may answer the question.

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Q Do you recall that in 1970, the Housing Authority devised a scatter-site housing program?

A Yes.

Q Could you tell the Court how that came about and what was the proposal?

A All right. We advertised in the paper for turnkey development -- for turnkey proposals.

Q That's turnkey public housing; is that correct?

A Right, for low income public housing.

Q And that was for families; is that correct?

A Right, families.

Q And do you recall that being approximately two hundred fifty units that was being talked about for family units?

A Only 250 for family?

Q I didn't say "only". Do you recall that?

A I am not sure of the number of units, really.

Q Okay.

A We did advertise though, for housing.

Q And this -- you were advertising for builders to come in to bid on the turnkey proposals?

A Not to bid. They would have to have a piece of property that they come in and propose to build so many units for us, of turnkey housing.

Q Now, you were with the Authority at this time?

A Yes.

Q You were Deputy Director?

A Right.

Q How did the scatter-site program come about? Who -- were you involved in drawing up that program?

A I was not. And I -- Mr. Caso, I think, was in favor of the scattered-site housing concept and brought it to the attention of the Housing Authority, and they proceeded to advertise and to try and implement his wishes.

Q And what was his proposal?

A For scattered housing, throughout different school districts and the Town of -- the unincorporated area of the Town of Hempstead.

Q And do you recall the number of units that were discussed?

A This I am not -- couldn't really tell you.

Q Do you recall whether a list was drawn up setting forth possible sites on a scatter-site basis for the turnkey projects?

A I gave you a list today. Now, I do remember that this concept was supposed to be seventy percent middle-income, twenty percent family, and ten percent senior citizens.

Q Now, you have a copy of this?

A No, I don't.

Q Oh, wait a minute. Is this the list that you make reference to?

A Yes, it is.

Q And this was prepared by the Housing Authority?

A Right, that's correct.

Q Were these sites proposed by various builders?

A I would assume so.

Q And these -- they came forward and suggested that they would like to build public housing on these sites?

A Right.

Q Of turnkey program?

A They gave some interest in the property or -- you know, the way of obtaining the property to build for us.

Q This was as a result of Mr. Caso advertising or stating publicly that he was in favor of a scatter-site effort, and this policy was announced in 1970?

A That's correct.

MR. BELLMAN: I'd like to have marked as Plaintiff's Exhibit 33, a document that's unentitled, listing 17 sites in the Town of Hempstead as possible sites for scatter-site development, marked into evidence, if there is no objection.

MR. JASPAN: Show it to us, please.

No objection.

MR. HYMAN: No objection.

THE COURT: All right.

THE CLERK: A four page document marked in evidence, a carbon copy, as Plaintiff's Exhibit No. 33.

(So marked.)

Q Now, Mrs. Ward, were any of these sites ultimately developed with turnkey projects?

A No, they were not.

Q Did any proposals go forward to HUD for the development of any of those sites?

A The proposals were submitted to HUD, but we did not have any meetings, feasibility meetings or site approval meetings.

Q The proposals on how many projects?

A The 17 proposals.

Q But did any specific proposal go forward to HUD for a development of any one project?

A Well, we had hoped that the proposed site in Bellmore, North Bellmore, would be the first site that we would try to move.

MR. JASPAN: If your Honor pleases, may I at this time raise a general objection to the line of

many things.

These 17 sites are but one small way in which we can accommodate housing in this rather large County.

THE COURT: I will let him pursue it very briefly.

MR. BELLMAN: I suggest, your Honor -- I haven't really answered Mr. Jaspan, but I suggest this is very pertinent testimony, and if I -- if I am going to be limited, I would like to argue --

THE COURT: Pursue it very briefly.

Then I will make up my mind whether it's germane or not.

MR. BELLMAN: Fine.

BY MR. BELLMAN:

Q You stated, that the Authority attempted to proceed with one of the projects at North Bellmore, and a proposal was drawn up; is that correct?

A That's correct.

Q You have provided me a copy of that proposal; is that correct?

A That's correct.

Q And could you tell me what this proposal is?

A The proposal is for site B. There are five sites

proposed in this proposal.

Q By a particular builder?

A By a particular builder.

Q What was his name?

A Valley Green Realty Corporation.

(Continued on next page.)

Q Valley Green Realty proposed several projects, possible projects and the Housing Authority attempted to move ahead with one of them at Project B; is that correct?

A That's correct.

Q It's true, is it not, that that project was to contain several family units?

A That's correct.

Q Where is North Bellmore?

A Where is it?

Q Yes. Where is it located approximately in the Town of Hempstead?

A It is east of Merrick, east of Uniondale. It's west of Wantaugh.

Q Now, how did the Housing Authority proceed with respect to the proposal for the North Bellmore ten-unit project?

A There was a meeting set up with the -- through the help of the League of Women Voters, to meet with some of the leaders in the area.

Q Do you know when that meeting was held?

A I don't know the exact date but I would assume it was around April.

Q Of what year?

A Of 1971.

Q Where was the meeting held?

A In the school across the street from the site.

Q Were you present at that meeting?

A I was.

Q Was it a meeting open to the public?

A It ended up as a public meeting.

Q Approximately how many people attended that meeting?

A I really don't know. It was quite a good crowd. I'd be guessing.

Q What transpired at that meeting?

A Well, the Chairman and the Ex-Chairman, Mr. Malone, and the builder, and Mr. McLane, tried to explain what type of project they had in mind. They had a rendering of the proposed project. They explained the payment in lieu of taxes, that the taxes -- the structure wouldn't be hurt that much. They tried to build up the project to the area, and it didn't work out that way.

Q What transpired at the meeting?

A They were accused to trying to break up the area with low income housing. They claimed that they had low income housing already in Bellmore, with the senior citizen project, that they shouldn't have another project, and there were various other complaints.

Q These were people in the audience or some of the leaders?

A People in the audience, the neighbors of the area.

Q How long did the meeting last?

A I'd say about two hours.

Q Could you describe, if you can, the mood or the tone of the meeting?

MR. HYMAN: Objection, your Honor, unless this witness is qualified as an expert in tones and moods. I suggest that the question not be answered.

THE COURT: I will sustain it. I think we are getting a little bit far afield now. If she will tell us what people were thinking and what their reactions were.

THE WITNESS: It was a very angry --

THE COURT: No.

THE WITNESS: I thought --

MR. HYMAN: Move to strike that answer.

THE COURT: Strike it out.

BY MR. BELLMAN:

Q Well, I would attempt to pursue that. Maybe your Honor could take some of this testimony.

You've just said that the mood was angry. Were people

speaking in loud voices?

A Yes.

MR. HYMAN: Your Honor, I object.

MR. BELLMAN: That any person can tell.

MR. HYMAN: I object to the question of Mr. Bellman in response to the striking out of her question -- of her response that it was angry and Mr. Bellman's question to her putting the word in her mouth. Why don't you start anew.

THE COURT: I will sustain it. We will take a 10-minute recess.

(Recess taken.)

(Continued on next page.)

MR. BELLMAN: Your Honor, Mr. Hyman is not here. Shall we move ahead?

THE COURT: Proceed.

Q Mrs. Ward, before we go any further, Plaintiff's Exhibit 33, could you tell me what number site is the North Bellmore site?

A Four.

Q Now, we were talking about the meeting held sometime -- you said May of '71?

A No. I think I said April.

Q April. Excuse me.

Do you recall the name of the school where the meeting was held?

A Not really. It could be Pea Pond. It was on Pea Pond Road.

MR. JASPAN: Saw Mill Road School.

THE WITNESS: Saw Mill Road School.

THE COURT: All right, go ahead.

Q Now, I ask you whether you -- the people at this meeting were speaking in loud voices and you responded, yes. Do you -- could you tell me generally was there yelling, shouting going on?

A There was some shouting.

Q Is it fair to say that the opposition to the

proposal for [illegible] units of public housing in North Bellmore was quite strong and quite vocal?

A It was strong.

Q What occurred after this April meeting with respect to the North Bellmore proposal?

A I think it was about three weeks later the builder sent in a letter to the Housing Authority withdrawing his proposal for this project.

Q Had the Housing Authority communicated with the builder at all during that period?

A Not that I was aware of.

Q Did he state why he was withdrawing his proposal?

A Due to the opposition in the area.

Q I would like to -- now, this document that we have referred to by the Greenville or Valley --

A Valley. No --

Q Well, the proposal with respect to the North Bellmore site involves more than one site. Did any other proposals of this builder move to a hearing or meeting with the communities involved?

A No.

MR. BELLMAN: I would like to have marked as Plaintiff's Exhibit --

THE CLERK: 34.

MR. BELLMAN: (Continuing) -- 34 in Evidence the proposal from this builder, which contains the proposal on North Bellmore.

Do you have any objection?

No objection.

MR. JASPAN: I said I would like to look at it.

MR. BELLMAN: I am sorry.

MR. JASPAN: Just before you put it in.

No objection.

THE CLERK: So marked as Plaintiff's Exhibit No. 34 in Evidence.

(So marked.)

Q Now, Mrs. Ward, do you have -- did you say the developer sent a letter to the housing authority?

MR. JASPAN: If your Honor please, we are beating this to death. We know that there was a proposal. We know North Bellmore was to have ten sites. We know there was community opposition. The plan was withdrawn. For whatever significance that is -- how far do we keep going with this particular line of questioning? Unless we just want to keep this going on and

on and on.

THE COURT: Keep asking questions.

MR. JASPAN: Well, I object. I say it's irrelevant, if your Honor please.

THE COURT: Overruled.

Q Do you have a copy of that letter?

A Not with me.

Q Did the Housing Authority attempt to proceed with any of the other 17 locations that appear on Plaintiff's Exhibit 33?

A No.

Q Would you tell the Court why the Housing Authority did not proceed with any others of the scatter sites --

MR. JASPAN: I object to the form of the question.

THE COURT: The form is bad.

MR. BELLMAN: Excuse me.

THE COURT: The form is bad. I said the form is bad.

Q Why didn't the Housing Authority attempt to proceed with any of the other sites?

MR. JASPAN: I object.

THE COURT: Still bad.

Q Are you aware of any discussions, considerations or policy determinations made by the Housing Authority after the North Bellmore experience with respect to proceeding on any of the other sites contained on -- on Plaintiff's Exhibit 33?

A Not really. No. It seemed to just drop at that point.

Q Did you ever have any discussions with any members of the Housing Authority with respect to proceeding?

A No.

Q Did you have any discussions with the then director of the authority?

A No.

Q So after this meeting nothing occurred with respect to the other sites?

A That's correct.

Q Now, it's true, is it not, that after this meeting the Housing Authority still wanted to move ahead with some elderly units; is that correct?

A Well, we had planned the 250 units at Mitchell Field for years. And for years and years those were the 250 units.

Q Now, what happened during 1971 with respect to the 250 units at Mitchell Field?

A I don't think we move forward on those either. We didn't attempt to move at that time. We were in the middle

of all this construction of the other projects.

Q What happened in 1972 with respect to the 250 units at Santini?

A The end of '72 is when the -- I think this thing was resumed with the idea of combining it with the 75 units of family and the 250 at Mitchell Field.

Q What happened in the first part of '72? Why didn't you move ahead?

A We were still building. We were very active in dedicating. We were opening so many projects all at once.

Q Now, you spoke of -- a while ago of a controversy you read about in the papers. Did you have any information with respect to a position taken by the supervisor of the Town of Hempstead, Mr. Purcell, that there would be no further attempt to proceed with the scatter sites program?

MR. JASPAN: If your Honor please, in the first place, I object to the question. It's leading and it attempts to get into the record what he couldn't get in before. He asked these questions in a variety of forms before and they were excluded, or she said she had no information.

THE COURT: That's what she said. No personal knowledge, she says.

MR. BELLMAN: Excuse me?

THE COURT: She says she has no personal knowledge.

MR. BELLMAN: I have asked her if there was any conversations or any information that came from the Town Supervisor with respect to the scatter sites proposals.

THE WITNESS: I have never discussed scatter site housing with the presiding Supervisor.

THE COURT: That's what she said.

Q Now, toward the end of '72 you say something occurred which worked out -- you worked out something with the Housing and Development -- the Department of Housing and Urban Development; is that correct?

A Right.

Q Before we get into that, had -- during this period leading up to the end of 1972, had you had any meetings at all with Mr. Purcell with respect to the -- while he was Town Supervisor with respect to the programs of the Housing Authority?

A I never had a meeting with him.

Q Did any -- did the Director of the Authority have a meeting with him, to your knowledge?

A I was Director then.

* * *

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Q Now, what happened in the end of 1972, with respect to the 250 units for the Mitchel Field elderly development?

A We had requested the approval of 75 units of family housing and 250 at Mitchel Field.

Q Now, how did it come about that you proposed 75 units of family units?

MR. JASPAN: I object to the form of the question, "How did it come about?"

THE COURT: We have everything else. We might as well let her tell us.

Tell us. Do you know?

THE WITNESS: I don't know where the figure came from.

THE COURT: She doesn't know. That's the answer.

Q Well, not the figure but the policy to build family units?

A Well, it was the Housing Authority's intention to build 75 units of family housing.

Q Well, when was it decided by the Housing Authority that they would be building 75 units of family units?

A I would say in the later part of '72.

Q Now, you were Director then, is that correct?

A That's correct.

Q So, was this your decision?

A I never made decisions.

Q Was there a meeting held by the Authority members to discuss the 75 units?

A The Board members decided that 75 units of family housing would be planned.

Q Okay. You attended their meetings?

A Right.

Q And there was a meeting late in 1972?

Do you recall any discussions at that meeting concerning the policy of HUD and the need of family units as part of any program of the Housing Authority?

A No. No. You mean as a compromise or something like that? No.

Q So in late 1972, there was a proposal set forth by the Housing Authority to build 250 units at the Santini location and 75 family --

MR. JASPAN: If your Honor please, again we have had this four times.

THE COURT: I think now it's becoming repetitious. I haven't limited you at all. The fact you asked the question ten times doesn't mean you are going to get ten different answers.

Q How large a site was involved in the North Bellmore project?

A You have it on there. For ten units, it would have to have been -- let's see, about half an acre.

Q About half an acre?

A Right.

Q Have you proceeded with the construction of the 75 units?

A No, we have not.

Q Why has the Authority not proceeded with those units?

A We haven't proceeded with any units because of a notification from HUD that we would have to wait for additional funds to be released; that there was a moratorium on housing.

Q That's true as to the 250 units --

A That's correct.

Q (Continuing)--at Mitchel Field.

MR. BELLMAN: Excuse me one second, your Honor. I have a pile of material here. I just want to make sure we get in evidence those documents that are pertinent.

Q Now, Mrs. Ward, you have given me thismorning several letters from the Housing Authority to various officials. One dealing with -- let's take them in order.

A Only one is to an official.

Q Okay. This one is August -- July 15, 1970, from Mr. McLain to Raymond Malone.

Could you tell the Court what this document is?

A This is -- all right. Mr. Malone was the Chairman at the time. This is bringing Mr. Malone up to date on the action taken by the Executive Director to fulfill the plans to build family housing.

Q And these are the various sites -- lists of various sites that were being located?

A Not actually all sites. This has different -- let's see. This is a site. It mentions contacting different contractors and so on to see if they would have anything that could possibly be used for a site.

MR. BELLMAN: I would like to have this marked as Plaintiff's Exhibit 35 for submission into evidence.

MR. JASPAN: If your Honor please, I am not going to deny that this is a document maintained in the ordinary course of business in the Town of Hempstead, and that it bears some relation to housing. But I submit again, that this record is being cluttered with a lot of irrelevant material and this case is being unduly protracted by a lot

of irrelevant questions; that none of the questions asked of this witness had any relevance to this particular case; that none of the points that apparently are trying to be made, have any significance.

Now, only because I say it's not relevant, I object to this -- the admission of this document.

THE COURT: Mark it.

Q What is the next date -- August -- August 6, 1970. That also is --

A List of sites and remarks on them.

Q This is labelled potential sites, turnkey submission family housing, and it lists the various sites that were being submitted; is that correct?

A That's correct.

Q This was prepared in the Housing Authority for the members of the Authority?

A Right.

MR. BELLMAN: I would like to have this marked as Plaintiff's Exhibit 36.

MR. JASPAN: Same objection.

THE COURT: Mark it.

Q Now --

A I think this came last.

Q This is marked July 29, 1970, called scatter site for family housing from you to all members of the Authority, and this contains various maps of the possible sites, is that correct?

A Which I think are described in some of those other memos.

Q Right.

A Locations.

MR. BELLMAN: I would like to have this marked as Plaintiff's Exhibit 37.

MR. JASPAN: Same objection.

THE COURT: Mark it.

Q What is the last document? December 7, 1970, is a letter from Mr. McLain to Mr. Mallott of the Department of Housing and Urban Development, setting forth -- enclosing a copy of the turnkey submission. Is that Plaintiff's Exhibit 33 that was attached to this?

A Right. That was the 17 sites.

MR. BELLMAN: I would like to have this marked as Government's Exhibit 38.

MR. JASPAN: Once again, I respectfully make the same objection.

MR. HYMAN: May I see that?

What number is this going to be?

MR. BELLMAN: 38.

MR. HYMAN: No objection.

Q Now, it is true, is it not, Mrs. Ward, that one of the problems the Housing Authority found with this scatter-site proposal, was that it was introducing a -- it proposed to introduce public housing into a predominantly single-family neighborhood?

MR. JASPAN: I object to the form of the question.

THE COURT: The form is bad.

MR. BELLMAN: I will rephrase it.

Q Are you generally familiar with the various sites that were being considered under the turnkey -- under the scatter-site turnkey proposal?

A I am familiar with the locations, you know, in the Town of Hempstead.

Q Are these sites located in existing neighborhoods -- existing developed neighborhoods?

A You have to give me that other list.

Q Okay.

MR. JASPAN: If your Honor please, I submit that this -- if this case were grounded on the theory that the -- there were some discriminatory acts purposeful or implied, because we did not proceed with scatter-site housing, all of this would

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that land for public library and for other facilities which serve the entire county. He says this is expedient. But he's trying a civil rights case. He's not trying a case of expediency. His argument is expediency. And if that is his argument, this is again another reason why this case should be thrown out now.

MR. BELLMAN: We would be delighted to see those seventeen units developed. It's a development that might not occur during our lifetime.

MR. JASPAN: We are going around and around and around with this. We are getting nowhere with this.

THE COURT: You may ask your questions.

Q I believe I was asking you the nature of the neighborhood that these sites are located?

A The only one that I am really familiar with is the one on Pea Pond Road, which is a one-family dwelling unit, about a block away from a business area. And I would say it's only a few blocks away from a townhouse-type of development.

Q My question was that -- I think the original one was whether these were existing developed neighborhoods?

A Developed with what?

Q Well, generally developed areas where these small

lots remain.

A They weren't remote.

Q I am not suggesting that they were remote. But I am asking you whether or not these projects were slated for areas that were -- areas that were predominantly developed?

A Right. They were developed.

Q Were they predominantly residential areas? Or are you only familiar --

A I am only familiar with that one.

Q That was the one in North Belmore?

A Right.

Q That was a single-family --

MR. HYMAN: Oh, she didn't say that.

MR. BELMAN: She did.

MR. HYMAN: She said it was single-family, industrial and townhouses within the vicinity.

MR. BELMAN: Excuse me. As to this site, she said --

MR. HYMAN: As to this vicinity.

MR. BELMAN: North Belmore.

THE WITNESS: I told you it's only about a half a block from business.

Q All right.

A Along Jerusalem Avenue, and also very close to townhouse

apartments.

Q To your knowledge, as Director of the Housing Authority for the town of Hempstead, are there sufficient available sites for construction of public housing units in the town of Hempstead?

A I think if we advertise we would get responses from contractors, that someone has property. It may be one-family houses. It may be two-family housing.

Q Are you familiar with any large, or more than several acre sites that could be used by the Housing Authority?

MR. JASPAN: If your Honor please, no foundation has been established that she made a survey, and, therefore, would know. The mere fact that she wouldn't know if they -- That would be her answer. It would reflect the answer that she hasn't gone and made a survey.

Q Have you made any surveys?

A No. No, I haven't.

Q You haven't made any surveys of your jurisdiction for sites for possible projects?

A Right. Because we -- At this time, we are going to be building turnkey. We are not going to build conventional. If we were going to build a conventional type of housing where we would hire an architect -- a bid for an architect, then we

would look for the property ourselves. But if you go for a turnkey project, you advertise, and someone else does the -- this legwork for you, and comes in with the sites.

Q So it's your position that the Housing Authority would rely exclusively on what builders may come forward with?

A Right.

Q When you advertise for bids?

A Right.

Q And you have no personal knowledge as to available sites?

A That's correct.

Q Would the Housing Authority be prepared to build at Mitchell Field family units?

MR. JASPAN: If your Honor please, I object. There is no evidence that the Housing Authority members, of which there are five, -- and no one of them are here -- have ever considered, or even made a decision with respect to it.

Q Let me rephrase it. Would you be willing to propose to the Authority the construction of family public housing units either at the Santini parcel, or any other part of Mitchell Field, as Director of the Housing Authority?

MR. JASPAN: If your Honor please, I

submit that this question is improper. Let's assume she would say she would propose it. What significance would that be?

THE COURT: She can answer.

THE WITNESS: I don't think it's my position to propose to the Housing Authority. I follow out their policy. They are the ones that make policy and decide what is going to be built, where and when.

Q Are you familiar with the proposal made by Mr. Caso in 1966 to use Mitchell Field for the location of some housing units, including garden apartments and senior citizen housing and family housing units?

MR. JASPAN: I object to that question because that was not the proposal. The proposal was to acquire land from the Federal Government outside of what was then acquired for the purpose of developing in that area. It was not part of the Mitchell Field complex as it then existed. I think it's unfair to take a witness who is not in this courtroom and try to imply something.

MR. BELLMAN: I am not trying --

THE COURT: I will sustain it. That was

REDIRECT EXAMINATION

BY MR. BELLMAN:

Q Are you --

THE COURT: Redirect is limited to what he asked, and no more.

MR. BELLMAN: I am aware of that.

Q You were asked as to the number of incorporated villages. How many incorporated villages, if you know, have Housing Authoritys?

A That I know of, Lynbrook, Freeport, Rockville Center. This is in the unincorporated area of the Town of Hempstead. The city of Long Beach. I am not sure about Valley Stream, but I think they are in the process of obtaining a Housing Authority.

Q So that would be five?

A Yes.

Q Their jurisdiction, of course, is limited only to the incorporated -- their incorporated village?

A That's correct.

Q Now, with respect to urban renewal projects that may be carried out within the Town of Hempstead, you do have the authority, do you not, to contract with urban renewal's Authority to building public housing in the so-called urban

renewal section?

A We don't contract with the urban renewal department.

Q But you could?

A We buy property from them.

Q You may build in an urban renewal section?

A That's right. But we act as a private organization, buying property and building.

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(continued on next page.)

Q You said with respect to the North Bellemore meeting, that there was a large group of people in attandance?

A That's correct.

Q Can you give me any idea as to the number of people present?

A I would say roughly between 225 and 275.

Q Do you have any idea how many black people were in attendance?

A Maybe 10 -- not ten, about five percent.

THE COURT: What was that?

THE WITNESS: About five percent; five.

THE COURT: Five.

Q About -- approximately ten or eleven?

A Ten, twelve, something like that.

Q How many black people spoke at that meeting?

A I would say maybe about -- well, three were -- about three were against it. And there was one fellow that was for it.

Q So four blacks out of approximately ten in the meeting spoke?

A Right.

Q And the fellow that was for it, his mother-in-law lived in one of our senior citizen projects. So he had called me and said that he would help us, you know, try and get this

through.

Q You didn't make any judgment or reach any conclusion, did you, that Black people were against building a public housing project at North Bellemore?

A In that area, yes.

Q You reached a decision?

A That's my personal opinion.

Q That Black people opposed the scatter-type housing proposal for North Bellemore?

A In that area, they opposed it. For that area.

Q What Black people? This would be all Black people of Hempstead?

A No. The integrated area of North Bellemore.

Q Was opposed to it?

A Was opposed to it. Black and White.

Q And you base that conclusion on the fact that three Blacks spoke at this meeting?

A Well, I didn't hear from the other Whites either in the area. You know, three -- well, there were more than three that were behind -- there were more than three people. Three Black people behind these three that were talking. You know, they were grouped.

Q You don't know --

A And there was a lot of shouting, and, you know, going on

at the meeting.

Q But you don't know how many others other than those three that spoke were -- were for certain opposed at this meeting?

A There was noone for it.

Q You said one Black --

A One, right.

Q Is that the only person who spoke for the project other than the representative for the Housing Authority?

A I don't remember, really, there may have been. Let me see. I really can't say.

Q Did you, as Director of the Housing Authority ever contact any of the minority Civil Rights or minority representatives, from say, the NAACP to determine their views on scatter-site public housing?

A No, I didn't.

Q Have you ever met with any black officials from any of these organizations?

A No.

Q Civil rights organizations?

A No, I haven't.

MR. BELLMAN: We have no further questions.

THE COURT: All right. You may step down.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Anyone else?

MISS THOMPSON: Raymond Malone.

R A Y M O N D H. M A L O N E , called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

DIRECT EXAMINATION

BY MISS THOMPSON:

Q Mr. Malone, you are presently employed by Nassau County, are you not?

A I am.

Q What is your position?

A I am County Housing Coordinator.

Q For how long have you held that position?

A Since January 1, 1971.

Q Is your position a salaried position?

A It is.

Q Is it a full-time position?

A It is.

Q By whom were you appointed?

A By the County Executive.

Q Is that County Executive Caso?

A Yes.

Q Do you have a staff which works under you?

A Yes, I have two secretaries.

Q Could you describe in your own words the role of the Housing Coordinator of Nassau County?

A I am a liaison with public and private housing groups. I assist them in obtaining funding, obtaining allocations from HUD, from the State, and on one or two occasions, private funds.

Q When you talk about liaison, you are a liaison between the local groups and the County in any instance or between local groups and the Federal Government; for example?

A Well, I represent the County. I am employed by the County. The Federal Government provides ninety percent of the funding, or they did until January 4th of this year. They provided ninety percent of the funding for public housing. That was the principal source.

Q When you speak of yourself as being a liaison, what did you do as a liaison between public and private housing groups and the County, or do you serve in that function?

A I encourage them to build public housing.

Q The local groups?

A Yes.

Q Before you became Housing Coordinator of Nassau County, what position did you hold?

A I was the Eastern advertising manager of Arm Times

Publishing Company.

Q Have you held any appointed positions in the Town of Hempstead?

A Yes. I was Chairman of the Town of Hempstead Housing.

Q For how long did you hold that position?

A I was a -- I was a Commissioner, a member of the Housing Authority for about a year and a half, and the Chairman for five and a half or six years, approximately.

Q Did you become Commissioner of the Housing Authority at the time that the Town of Hempstead Housing Authority was first created?

A Yes.

Q Did you leave your role with the Town of Hempstead Housing Authority directly to become the Housing Coordinator of Nassau County?

A Yes.

Q During the time that you were associated with the Town of Hempstead Housing Authority, did the Housing Authority conduct any studies to determine the need for public housing in the Town of Hempstead?

A No. The need was based primarily on the number of applications received.

Q Do you recall the performance of a study in 1962, to determine the need for housing in the Town of Hempstead?

A That study was made before there was a Housing Authority.

But I believe that was the basis to the State Legislature to form a Housing Authority for the Town of Hempstead.

Q Did that study indicate a need for housing?

A It indicated a need for senior citizen housing.

Q It is true that during the time you were associated with the Town of Hempstead Housing Authority, that the Housing Authority did not construct the number of units which had been found to be needed as of the 1962 study?

A No. But we constructed all that we could get allocations for from HUD.

Q How many units were constructed while you were associated withthe Town of Hempstead Housing Authority?

A Approximately seven hundred were constructed while I was the Chairman, and another five hundred had been approved. So far as HUD's allocation of funds, so far as the zoning changes in the town, and the feasibility study. So when I left, there were plans for five hundred. Then all they had to do was start and build them.

Q Had these five hundred, in fact, been constructed?

A They have been.

Q Now, then, you were present in court this morning when Mrs. Ward was testifying, were you not?

A Yes.

Q Did you hear reference to a scatter-site housing

proposal in Mrs. Ward's testimony?

A I did.

Q Were you familiar, while you were on the Town of Hempstead Housing Authority, with the proposal for a scatter-site project?

A Yes.

Q Can you tell me how many units were proposed in that scatter-site project?

A Approximately 700.

Q Of those units, how many were to be for families?

A There was -- it was to be built on a 70-20-10 formula. And so they would all be family. Seventy percent for moderate, twenty percent for low-income families, and ten percent for senior citizen families.

Q Approximately of the 700, then approximately 70 would have been for senior citizens and the remaining 630 would have been for families, is that correct?

A Yes.

Q At the time that you left the Town of Hempstead Housing Authority, can you tell the Court what progress, if any had been made with the scatter-site housing proposal?

A 17 sites had been -- first of all, the advertising had been done requesting that turnkey people come in with suggestions for us. That had been accomplished. The sites had been

inspected, sorted out, and the 17 most feasible had been selected for building.

Q When you speak of the 17 sites that were most feasible, you are also saying that 17 would-be builders had approached the Housing Authority and presented the sites to the Housing Authority?

A No, not necessarily seventeen would-be builders. Because some of them had submitted more than one. Some sites had only one unit. So certainly it wouldn't be practical for a person to do one. There were an indeterminate number of builders. Not seventeen. Less.

(Continued on next page.)

Q But there would have been a builder for each of the sites; is that correct?

A Yes.

Q At the time that you left the Housing Authority then, each of the 17 sites had progressed to the point where the site had been selected and there were potential builders for each of the sites; is that correct?

A Yes.

Q Do you know what became of the scatter site proposal after you left the Housing Authority?

A Well, the much talked of Pea Pond Road site was the first one that was discussed, presented, and then after that, practically nothing had happened, nothing further.

Q Now, with regard to the 17 proposed sites, would those 17 sites together have accommodated the 700 units about which you spoke before?

A Yes. That was -- the figure was based on the number site.

Q In your role as coordinator of housing for Nassau County, have you had occasion to meet with the representatives of the Town of Hempstead Housing Authority, concerning the scatter site proposal?

A Yes.

Q On what occasions have you met with the repre-

Q Mr. Malone, Plaintiff's Exhibit 40 lists 11 locations in Nassau County. Would it be your testimony that there are 11 Public Housing Authorities in the Town -- in the County of Nassau?

A No, it would not be my testimony.

Q Are there locations listed there which do not have public housing authorities?

A There are.

Q And which are those locations?

A Garden City Park, Port Washington.

Q Mr. Malone, this Plaintiff's Exhibit 40 has numbers on the bottom of the page which are written in pencil. Those represent totals made by you and written on the bottom there?

A By me or someone in my office.

Q Could you read into the record the total number of existing senior citizen units and family units in the county?

A Existing senior citizen units, 2,587. Existing family units, as of this date, 1671.

Q Does Plaintiff's Exhibit 40 also indicate the number of applications for publicly assisted housing in those 11 jurisdictions?

A Applications for what?

Q For publicly assisted housing?

A Yes.

Q What are those figures?

A There are pending applications for 4,710 senior citizen units, and 2,055 applications for family units.

MRS. THOMPSON: I have no further questions, your Honor.

THE COURT: All right. You may examine.

CROSS-EXAMINATION BY MR. JASPAN:

Q Mr. Malone, did you have a predecessor in office in the position of housing coordinator for the County of Nassau?

A No. Mr. Caso created this position when he became the county executive.

Q This was a first for the County of Nassau; was it not?

A Yes.

Q And did Mr. Caso discuss with you the purpose of your office at the time or just prior to the time he appointed you?

A He did.

Q What did he say to you?

A He told me that there was no possibility of the county building housing at that particular time but he wanted someone

8 Green - direct

S E D G W I C K W I L L I A M G R E E N ,

called as a witness herein, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

MR. HYMAN: Your Honor, before Mr. Green testifies, I'd like to introduce Mr. Stephen Love of the Regional Council of HUD, who is Mr. Green's counsel.

I'll still conduct the objections but I'm sure he'll be giving me the hints.

THE COURT: Okay.

DIRECT EXAMINATION

BY MR. HILLMAN:

Q Mr. Green, could you tell the Court what your professional position is?

A I'm Regional Administrator of the U. S. Department of Housing and Urban Development for Region 2.

Q How long have you held that post?

A Since February, 1970.

Q Who appointed you to that position?

A Then Secretary of HUD, George Romney.

Q Could you briefly tell the Court what other professional positions you've held?

A I'm an attorney by profession, I've been associated with

two law firms in New York City from 1956 through 1968.

I had also been counsel to the Joint Legislative Committee and Housing and Urban Development from 1961 through 1964 and a member of the State Assembly from 1965 through 1968.

Q What areas does Region 2 of HUD encompass?

A When I took office, it was New York and New England; effective September 30, 1970 it became New York, New Jersey, Puerto Rico and the Virgin Islands.

Q What responsibilities do you as administrator of Region 2 have with respect to HUD programs?

A I'm responsible for the administration of virtually all of the HUD programs in the region. There are a couple of exceptions to that. Effective July 1 of this year, the Disaster Relief functions which had been carried on by the Office of Emergency Preparedness in the Office of the President were transferred to the Department and that operation exists both in Washington and in the field, apart from the rest of the department, so I am not responsible for that.

Also, there are a couple of programs, like the Research and Technology program which have not been decentralized and therefore, I have little role to play in that.

New Communities has only been decentralized to a limited degree.

Q With respect to the other major HUD programs, such as Model Cities, Housing, Urban Renewal, etc., you have responsibility, do you not, for the entire region?

A Yes. I have line responsibility for those.

Q Mr. Green, did there come a time in 1970 that you became concerned with the nature of the public housing programs in the Town of Hempstead?

MR. JASPAN: I object to the form of that question.

A Yes.

THE COURT: Yes. The form is bad. Whether he was concerned or not.

I'll sustain it.

BY MR. HELLMAN:

Q Did there come a time in 1970 when you, as Regional Administrator, took some action with respect to the housing programs -- public housing programs in the Town of Hempstead?

A Well, through the staff concerned with public housing in the Regional office, I expressed to the town officials our concern that the high concentration of units for the elderly, which we anticipated would serve an overwhelmingly white clientele in proportion to the very low number of units of family housing, was a problem for us, both in

terms of Section 808 of the 1968 Civil Rights Act and in terms of the instructions we had received from Washington as to the proportion of elderly versus family units that we should produce in the public housing in the region.

Q Now, you said you expressed these concerns to the Town officials?

A As I said, the concerns were expressed primarily through the staff dealing with the public housing program in the Regional Office to the town officials and the Housing Authority.

Q With respect to Section 808 that you mentioned, could you tell the Court what that is?

A Section 808 requires the Secretary of Housing and Urban Development to use the Housing and Urban Development programs to further the purposes of Title 8 of the 1968 Civil Rights Act, which is the Fair Housing Title.

Q And in terms of the instructions you -- as a Regional Administrator received from Washington, could you explain that in greater detail, what was involved with those instructions?

A Yes. At that time we were being asked to produce two-thirds family units and one-third elderly units. As an overall regional total.

Q Now, did you -- were you advised by your staff

as to the nature of the construction that had taken place in terms of family versus elderly in the Hempstead Housing Authority District?

A Yes, I was aware of the fact that of the public housing units that had been allocated to Hempstead, the overwhelming bulk had been allocated for elderly housing and only about 80 units for family housing and those 80 units were going into a renewal project which was in an area of minority concentration.

Q Was that renewal area known as Inwood?

A Yes.

Q Did you receive figures as to the number of senior citizen units constructed or under construction?

A My recollection is that there were 1,079 units in some stage of development. They might not necessarily have had construction starts but at least they had HUD money committed to them.

Q For senior citizens?

A That is correct.

Q And 80 units for family?

A Yes, sir.

Q Do you recall what the overall HUD commitment was in terms of numbers of units for the Town of Hempstead?

A The total program reservation was 1,419, but 260 of those at that time had not been allocated to any specific development program.

Q Were these 260 units then of your -- the major concern when you responded in 1970?

A They were what we focused on at that time, yes.

Q You said that most of the senior citizen housing was going to primarily the white clientele.

Did you have any figures as to the racial composition of the family units?

A I don't recollect what they were at that time. I do know what they were last summer.

Q Could you tell the Court what they were?

A Approximately three percent minority.

Q And did you learn last summer what the figures were with respect to the family, 90 family units, the racial composition of the occupancy?

A Again, I know that it's over 90 percent. I don't know the exact number of minority.

Q 90 percent minority?

A Over 90 percent minority.

Q Could you tell the Court what action you took with respect to -- other than advising the town of your concern, what action HUD took with respect to this problem?

A Well, essentially, we reached an agreement with the town that the final 260 units would go for family housing.

Q Now, who reached this agreement and what -- tell me the parties that were involved.

A I'd say it was an informal understanding among the Regional Office, the Housing Authority and the Town Government in the person of the then presiding supervisor, Ralph Caso.

Q Did you at any time meet with Mr. Caso or discuss the matter with him?

A Well, I know that we were together at the Long Island Builders Institute at a meeting convened by them, I believe, at Mr. Caso's request, to encourage builders to submit proposals to the Housing Authority which had advertised for proposals under our turnkey program for the units.

Q And at that meeting, you discussed the matter with Mr. Caso?

A At that meeting we essentially delivered presentations to the builders on the turnkey program urging them to participate in offering to build units for the Housing Authority, to fulfill this 260 unit program for family units.

Q So this would have been after some informal agreement had been reached?

A Yes, that is correct.

Q I take it someone on your staff then probably

more day-to-day -- was in more day-to-day contact with the Authority, the Housing AUthority and with Mr. Caso's staff?

Yes, that is correct.

(continued next page.)

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Q What precisely was the informal agreement as to these 260 units?

A That they -- They would be used to develop family housing on scattered sites.

Q Tell the Court what you mean by scattered sites.

A Such that they wouldn't all be concentrated in one or two locations, but that they would try to develop small clusters of units in widely separated locations.

Q Was there any racial connotation to the term scatter-sites in terms of where the type of neighborhood that the units would be located in?

A That they would not be predominantly in areas of minority concentration.

Q It is true, is it not, that you viewed this informal arrangement, or this commitment by the Caso administration as a test case for Nassau County --

MR. JASPAN: I object, your Honor.

Q (continuing) -- is it not?

THE COURT: Sustained.

Q What transpired after the informal agreement was reached in your contact with the builders at this meeting?

A My understanding is that numerous submissions were received by the Housing Authority in response to its advertisements. Most of them would have required some variance or zoning

amendment in order to be feasible. But there were quite a number of proposals that would not have required a variance or were beyond the density of 20 units per acre, which was a density that the town had previously allowed to non-subsidized multi-family developments.

But thereafter, Mr. Caso, I believe sometime in December, announced publicly a scatter-site program, as I recollect, not limited to HUD-subsidized units.

Then the government of the town changed when Mr. Caso took office as County Executive of Nassau County in January of 1971. And also in January of 1971, after Mr. Purcell succeeded Mr. Caso as the Principle Supervisor -- I guess, the Presiding Supervisor is the correct term -- the Housing Authority tried to move forward with a ten-unit development in the community of North Belmore. There was very strong neighborhood opposition. Unfortunately, a reporter for one of the leading Long Island newspapers, Newsday, apparently went into the community with misinformation indicating that a much larger tract of land was involved than in fact the Housing Authority had proposed to develop; thus raising serious problems in terms of the credibility of the town government and the Housing Authority. And the town government backed off in the face of local opposition, and thereafter declined to move forward with a scatter-site program.

Q Do you recall how many units -- Strike that. Did you have any conversations --

THE COURT: You mean, strike your question.

MR. BELLMAN: Excuse me?

THE COURT: You mean, strike your question.

MR. BELLMAN: Yes, strike my question.

Q Did you have any conversations with Mr. Purcell with respect to the possibility of the town moving ahead with the scatter-site housing program after the North Belmore incident?

A Yes. We would get together on any number of occasions very frequently, ground-breakings or dedications for the elderly projects that were coming along, and we would have brief discussions in which I would encourage moving forward with the scatter-site program. And he would express his concern of trying to move forward in the face of the local opposition.

Q What precisely would he tell you in terms of moving ahead?

A I don't remember the exact conversation.

Q But the substance of these conversations --

A Well, that he was reluctant to do so in view of what

they had run into in North Belmore.

Q So was it your understanding that the Housing Authority in the town abandoned the scatter-site program after the North Belmore incident?

A Well, let me respond this way. They continued to press us for either use of the 260 units for elderly housing, or for additional reservations for elderly housing, but certainly did not move forward with the family units.

Q What position --

A Ultimately, we withdrew the 260 units.

Q I was going to ask you the next question, what action HUD took with respect to those 260 units. You say you withdrew the commitment?

A Yes. That's right.

Q When did that occur? Do you recall?

A I frankly don't recollect. My guess, it was in the spring of 1972. But I am not positive.

Q So there was -- The North Belmore meeting was in April of 1971. Excuse me. Do you recall what year --

A I am not familiar with the North Belmore meeting you are referring to.

Q The incident where the community opposition was expressed.

A My recollection is that they tried to move forward with

that project in January, 1971.

Q So there was approximately a year to a year and a half before HUD took any action with respect to withdrawing its commitment on 260 units?

A Yes, that's correct.

Q Did there develop a public controversy between HUD and the town of Hempstead and Mr. Purcell, more specifically, with respect to HUD's position on the 260 units?

A Well, I suppose it was clear to the public that the town government wanted to move ahead with the elderly program and not to proceed with the family program, and we were unwilling to do so.

Q And that unwillingness was based on the Civil Rights Act of 1968; is that correct?

A Yes, primarily. As I said, at some point in the time frame involved we also had problems in terms of meeting the then existing two-thirds/ ne-third ratio. But the primary concern from our point of view was Section 808. And I might add, the interpretation being given to Section 808 by the Courts in cases like the Shannon case in the Third Circuit, and the Gautreaux case in the Seventh Circuit.

Q As you understood it, what was the -- As the Administrator for Region Two, what was your response with respect to 808 as it applied to the town of Hempstead?

A Well, I read the Shannon and Gautreaux cases to state that we had an obligation to concern ourselves with the ethnic results that we were creating in our projects.

Q When you say the ethnic results, do you mean the racial results?

A Yes. The racial composition of the projects, and what they would do to neighborhoods.

Q And following that through, did you make a conclusion that -- to proceed with additional elderly units would be to proceed in creating more white units per predominant white public housing units?

MR. JASPAN: I object to the form of that question. He can ask him what conclusion, but not state it for him.

THE COURT: Go ahead.

Q What conclusion did you reach with respect to the Hempstead problem.

A I was concerned that if we continued to fund elderly units and not fund family units, or fund them only in areas of minority concentration, that we would be risking a violation of Section 808.

Q It is true, is it not, that toward the end of 1971, the town Supervisor, Mr. Purcell, began a -- publicly protesting HUD's position, and Mr. Purcell sent you a letter

stating his protest, also sent a letter to Secretary Romney concerning your action, withholding the funding for the 260 units; is that correct?

A Yes.

Q I believe you are familiar with these letters. They are grouped together. One is dated --

MR. JASPAN: I object. In the first place, I didn't object to that rather rambling, leading question. But if he is going to offer letters in evidence, let them be marked in evidence, and then we can talk about what has happened.

MR. BELLMAN: It's common to identify them, and then we will talk about them.

THE COURT: Let's identify them.

MR. JASPAN: It may be common, but he wasn't trying to identify them.

MR. BELLMAN: I am just identifying the --

THE COURT: Show it to him. Ask him if he recognizes the letters.

MR. BELLMAN: Yes.

Q Go through the packet and tell the Court --

MR. JASPAN: Not the substance.

Q The date --

THE COURT: Do you recognize them? Have

* * *

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Q What was the -- what is the substance of this letter?

MR. JASPAN: Your Honor, these letters all speak for themselves, they are in evidence now.

THE COURT: Well, let him tell us. This way, we will get it over with in a hurry.

You may tell us.

THE WITNESS: That Mr. Purcell wants to proceed with the 250 units of senior citizen housing at the Santini area of Mitchel Field, and is complaining of our refusal to release funds for that purpose.

Q Now, did you -- now, there is one dated December 21 from you to Mr. Purcell. Is that correct?

A Yes.

Q Did you -- was this in response to the December 16 letter?

A Yes.

Q What did you in substance advise Mr. Purcell?

A That we would not proceed with the elderly program until we saw the family program moving.

Q Until you saw the what?

A The family program moving.

Q Saw the family program what?

A Moving.

Q Now, there is a letter dated December 29 from Mr. Purcell to Secretary Romney. Do you recall ever reading that letter?

A Yes. Mr. Purcell sent me a copy.

Q What was the purpose in Mr. Purcell writing to Secretary Rodney?

MR. JASPAN: I object. His purpose is not important.

Q What is the substance of the letter to Secretary Romney?

A It's an appeal from my letter of December 21.

Q An appeal?

A To the Secretary.

Q To override your decision with respect to withholding the 250 senior citizen units at Santini; is that correct?

A Yes.

Q There is a document dated December 30 from you to Secretary Romney. Could you tell me what the substance of that document is?

A It's a memorandum from me to Secretary Romney transmitting the correspondence between Mr. Purcell and me that we have just discussed.

Q Now, did you have any communication with

Washington as a result of the -- Washington-Hud, with respect to the Purcell letter to Secretary Romney?

A I don't know if there was any communication with respect to that particular letter, other than my memorandum to the Secretary.

I had other discussions with various Washington officials about the Town of Hempstead situation.

Q In essence, what were these conversations about?

A Basically, my explaining to them the history of the matter, and the reason why I was taking the position I was taking.

Q I show you a copy of a letter dated March 9, 1972, from Mr. Purcell to Mr. Buckley. Are you familiar with this letter?

A I might have received a copy, or it might have been transmitted to me by Senator Buckley's office, but I have no present recollection of it.

MR. BELLMAN: We would like to have this submitted into evidence. It also deals with the question of senior citizen housing and the Department of Housing, Urban Development's position on the funding of additional units at -- in the Town of Hempstead.

THE CLERK: Marked Plaintiff's Exhibit 42. So marked in evidence.

Okay. So we can suspend with having to call Mr. Love. It is agreed that this is a document from HUD, dealing with this subject.

MR. JASPAN: It's an inter-office memo between two people in which one expresses an opinion to the other. And if that is going to be evidence in this court, I have a right to examine that person.

MR. BELLMAN: That's correct.

MR. JASPAN: All right.

MR. BELLMAN: So --

MR. JASPAN: So don't put it in.

MR. BELLMAN: We move its admission into evidence.

MR. JASPAN: I object.

THE COURT: Mark it for identification.

THE CLERK: Two page document marked for identification as Plaintiff's Exhibit 43. So marked.

Q Now, Mr. Green, did there come a time when some representatives from the House of Representatives from Congress held a hearing in Nassau County which dealt in part with the question of the HUD position with respect to senior additional funds for a -- for construction of senior citizen

public housing in the town of Hempstead?

A Yes.

Q Do you recall when those hearings were held?

A Approximately August 1972.

Q What were the specific -- what was the specific purpose for those hearings?

A It was a subcommittee of the House Committee on Government Operations. What their purpose was in holding the hearings, I frankly don't know. The hearings were devoted to two issues relating to the elderly.

Q What were those issues?

A One was the town of Hempstead public housing situation. I don't remember the other. I think it had something to do with nursing homes. But I wasn't present for the second part of the hearing.

Q Was it a one day hearing?

A To the best of my knowledge, yes.

Q Do you know who from Congress attended that hearing?

A The Chairman was a Representative from Missouri. I dont remember his name. Representative Lent was the other member of the -- I am sorry. Representative Waller was the other member of the Committee present. Representative Lent testified at the hearing.

Q Was Mr. Randall --

A That sounds correct, yes.

Q You testified at that hearing; is that correct?

A Yes.

Q And had the Committee requested that you testify with respect to your position onthe senior citizen housing?

A The request was simply that I appear and testify on senior citizen housing. I don't believe that the request specifically related to the Hempstead situation. But I assume, from the fact that the hearing was being held in Hempstead, that that's what they were interested in. And I included a discussion of that in my testimony to the Committee.

Q Did you advise the members of Congress that HUD had taken its position with respect to senior citizen housing under the Civil Rights Act of 1968?

A Well, the two members were present when I gave my testimony, yes.

Q I show you a copy of a document. Will you tell the Court what this document is?

A This is a rough transcript of my testimony sent me by the Committee for me to make corrections on it and return it to them.

MR. BELLMAN: I would like to have this marked as Plaintiff's Exhibit --

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Q During those hearings do you recall advising the members of Congress there present that the provision of family units was -- would not constitute a tax strain on the local housing -- local community?

A Yes. I believe that my prepared testimony included a brief reference to that.

Q Do you recall telling the committee that the Town of Hempstead had demonstrated --

MR. JASPAN: If your Honor please, he can ask him what he said, he can ask him what he did. But to ask him if he recalls what he testified, and if he doesn't remember he can refresh his recollection from --

Q Do you recall --

MR.JASPAN: Again, it's Mr. Bellman testifying. We would save a lot of time if he got on the stand.

Q Did you testify at all with respect to the Town of Hempstead having granted tax abatement with respect to the family units that were located in the Inwood section?

A Yes.

Q What did you tell the committee with respect to that?

A I told them that they had been willing to grant tax

abatement for family housing when that housing was located in the area of minority concentration.

Q What transpired after the August 24th hearing, 1972, with respect to the HUD position in terms of funding additional units for Hempstead?

A There were further discussions between the staff of the New York area office and officials of the Housing Authority and Hempstead which led to an agreement among us under which they agreed to proceed with 75 units of housing under the turn-key three public housing program. It's a program where the homeowner can -- where the occupant can ultimately become a homeowner, but with the same initial income limits as regular public housing. It was agreed as of those 75 units that 25 units would go into the Inwood area, and the remaining 50 units would not -- would predominantly be in areas of minority concentration.

We further agreed on the basis of that commitment by the town to let them proceed with a 250 unit development of elderly housing.

Q And that 250 units would be located in Mitchell Field in the Santini property?

A That was our understanding where the town wanted to put it at that time. Yes, sir.

Q Do you recall that the basis for that agreement

began to be worked out immediately after your testimony and in the presence of some of those Congressmen?

A I'm not sure whether that is accurate or not. We had had some discussions in which we had suggested turn-key three as a possible route well before my appearance before the Congressional committee. We had a meeting immediately after the committee meeting in Supervisor Purcell's office in which that suggestion was raised again. And I had thought it was rejected on that date. But subsequently, apparently the town did decide to go forward on that basis.

Q Do you recall when you were advised that the town was prepared to go forward on that basis?

A Well, this was negotiations. It's a little hard to know when you get a feel that something is going to go a certain way. But I certainly had the feeling sometime in November that they were prepared to move in that direction.

Q Were you ever advised that sites were located for the 75 units?

A We were certainly aware that 25 of the units were going to go on the specific sites on the Inwood development. My only understanding as to the remaining 50 units was that the town had agreed that the bulk would not go in areas of minority concentration.

Q Has any action been taken with respect to the

construction of those 75 units?

A I believe that progress has stopped with the temporary hold on housing subsidy allocations announced by Secretary Romney on Janusry 8th of this year.

Q It's true, is it not, that -- to your knowledge, did the Washington office of HUD take any position or advise Mr. Purcell in response to his letter back in December of 1971 -- did they take any position either supporting you or disagreeing with the action you were taking?

A I don't remember at this point how the letter to Secretary Romney was responded to. I know that there was other correspondence to Washington in which my position was supported.

Q And the town was so advised of that support?

A That I am not sure.

Q Now, there's been considerable testimony today and on other days here, Mr. Green, that there is a long waiting list for primarily among senior citizens with the Housing Authority and a less extensive waiting list as to families. This morning Mrs. Wood testified that the Housing Authority based its determination on what type of units to build based on the number of applications in a particular category.

Is that a position that would meet with HUD's approval

in terms of goals and construction of the various types of public housing units?

A No. I don't think we would use those figures in this case as a realistic valuation of need.

Q Why not?

A Because the 80 low income units were specifically designed as a relocation resource for the Inwood urban project, and with only those units available as compared with more than a thousand units of elderly housing, naturally the public knows they aren't many units and they know the town had been opposed to building additional units, so there wouldn't be much point in applying for what everyone knows doesn't exist.

Q So the number of applications would not in your estimation be a reasonable basis on how -- in making a judgment as to what type of unit should be constructed?

A That's correct.

Q Does your office attempt to determine the number of housing, public housing units and subsidized housing units would be needed, say, in an area such as Nassau County?

A From time to time our Washington office does studies, market studies of the housing market areas. Those studies are really, though, addressed to the question of absorption of units in the market, both in the subsidized and the non-

subsidized category rather than being studies of need as such.

Q Are you familiar with the findings of reports of the Bi-County Planning Agency for Nassau and Suffolk Counties with respect to the allocation of housing need?

A In general, yes.

Q Does your office in any way rely on those figures in determining what type of housing allocations should go to Nassau County?

A Yes. We have certainly taken those into account.

Q It is true, is it not, that HUD has funded the Bi-County Planning Commission, and has in fact funded the study which led to those housing allocations?

A I would say at least in part, yes.

Q Could you tell the Court why it is that a town such as Hempstead seems to favor elderly housing over senior citizen housing over family housing?

THE COURT: Sustained. I will sustain that.

Q Mr. Green, is it a general problem in your area, your region, in terms of attempting to see the construction of family housing, public housing -- is it a general problem that you have difficulty persuading suburban communities to move ahead with construction of family housing similar to the problem that you had in Hempstead?

MR. JASPAN: If your Honor please, I object to that. What his experience is with other communities has no relationship to the County of Nassau.

THE COURT: Well, for whatever weight it may be.

THE WITNESS: I would say in two of the three fiscal years involved in the discussion today, we have had difficulty achieving the percentage of family units that the central office had asked us to -- because some communities had a strong preference for elderly housing. That was not universal. And particularly where a community was primarily going into public housing, to develop the relocation, resources for renewal projects, they would tailor their public housing program to whatever they needed by way of relocation. But where that was not the case, then we certainly did see a preference in many suburbs for elderly housing.

Q Do you have any opinion as to why there was this preference?

MR. JASPAN: I object, your Honor.

MR. BELLMAN: Your Honor, he is an expert

in this area.

THE COURT: He just told us.

MR. BELLMAN: No, he hasn't.

THE COURT: He just got through telling us.

No? Do you have some more to say? Don't stop if you have more. It's better to say it rather than having another question and answer.

MR. JASPAN: I object to any expression of his opinion of what other communities -- how other communities react. If he wants to know how we react, let him go into it. But I am not going to be bound by any other community.

THE COURT: Do you know anything about the opinion of Nassau?

THE WITNESS: Some.

MR. JASPAN: Let him talk about Nassau. Then I can cross-examine him. I can't cross-examine him about Westchester.

THE COURT: Do you know anything about Westchester?

MR. JASPAN: I know where it is.

THE COURT: All right.

THE WITNESS: I would have to say that

although I think there was a great deal of resistance to the elderly housing, it was the same kind of -- the same kind of neighborhood opposition. But now elderly housing has become politically very popular. And I would also say that there is a feeling -- although I think that may be in part erroneous, that the real estate tax consequences of elderly housing is not the same as the real estate tax consequence of family housing because the elderly projects obviously are not putting a demand on school facilities. I'd have to say also I think there are some racial fears involved in the situation.

Q Were you here in court this afternoon when Mr. Malone was on the stand?

A This afternoon?

Q Yes.

A Yes.

Q Did you hear his testimony concerning how in his opinion the creation of senior citizen housing would lead to more housing for low income families?

A Yes, I did hear that.

Q Is that a position that you as the region administrator would ascribe to in terms of designing housing

programs to meet the low-cost housing needs.

MR. JASPAN: I object to the form of that question.

THE COURT: I don't think the question -- I think merely an opinion that he voices that one moves out and leaves a vacancy and then one moves in -- that's all he is saying.

Do you disagree with that?

THE WITNESS: I have some question about that.

THE COURT: All right, let's hear it.

THE WITNESS: In connection with the difficulty in the Town of Hempstead, I had asked our office to undertake a study of the extent to which vacancies were created for families by the creation of elderly housing. And I was advised that such studies had already been made, and that they showed on a national basis that of the people who moved into elderly housing only -- I recollect, 31 percent vacated standard housing units. The rest either doubled up with their families or moved from substandard housing units.

(Continued on next page.)

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THE COURT: That's what's bad when you ask a witness about what some other witness said on the witness stand. Generally speaking, I don't permit that in court at all, but today I am waivering a little bit.

MR. BELLMAN: I'll withdraw those questions, your Honor.

THE COURT: Yes. I would say so.

I think -- personally, I think you've gone as far as you can with Mr. Green. You have his opinion and everything else. What else do you want to get from him? Unless you want him to move his office into the courtroom.

All right.

Q Mr. Green, is the general problem of escalating land values in a county such as Nassau a problem which complicates the provision of low cost housing, for construction of low cost housing?

A It's a problem.

On the other hand, it can be dealt with both by urban renewal and it appeared that in the -- in response to the invitation by the Town of Hempstead Housing Authority for submission of proposals for turn key housing, that there were places where builders were prepared to build within the

limits of the public housing program, if they could get zoning adjustments.

Q The Department of Housing and Urban Development now has certain responsibilities with respect to projects undertaken by General Services Administration; is that correct?

A Yes.

Q Would you tell the Court what those responsibilities are?

A Essentially to review the housing and transportation situation and make a recommendation to GSA as to whether the proposed sites are suitable from the point of view of those issues.

Q Now, that policy comes under a memorandum of understanding that was entered into between the two agencies?

A It originated with an executive order, one that was first issued, as I recollect, in February 1970. That was followed up by the memorandum of understanding between the agencies sometime later, and regulations which each of the agencies have developed for its internal operations.

Q Is that Executive Order 11512?

A I'll take your word for it.

Q That's the executive orderdealing with site selection, federal installation; is that correct?

A Yes.

Q Has your own office -- your office undertaken any review with respect to the proposed federal office building at Mitchell Field?

MR. HYMAN: Objection, your Honor. There has been no statement made that any materials were given to HUD for review by GSA at this point. There is an assumption.

MR. BELLMAN: He can --

THE COURT: He can say yes or no. Did you get any such materials?

THE WITNESS: We've just gotten them and just starting the review.

THE COURT: Yes. That's all.

Q Has HUD made any determination yet as to the availability of low cost housing, which would warrant the General Services Administration moving ahead with its proposed office building?

MR. HYMAN: Objection, your Honor.

THE COURT: Sustained.

MR. BELLMAN: It's a yes or no answer.

MR. HYMAN: But there is an assumption that the whole project of GSA office building is determined on low income housing. And that's not the case.

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be forthcoming. Isn't that right?

THE WITNESS: Yes.

THE COURT: I understood what he said.

BY MR. BELLMAN:

Q That's all that you concluded with respect to this agreement; isn't that correct?

THE COURT: I know what he said. I was listening.

Q Is that correct? That's all you intended to --

MR. JASPAN: I object to any question as to what he intended.

THE COURT: It's what the Court draws as inferences from answers that's material. I have a right to do that. I know what he said, and I am listening.

Q Did you infer by --

THE COURT: No. Now, what you are going to do, you will go -- As soon as I open my mouth, we will be here for another six weeks.

Q You stated that there were problems with respect to senior citizen housing in the United States, providing a sufficient number of senior citizen units. Is there also a problem with -- in terms of providing ample housing units for low income families?

A Yes.

Q Is there a serious problem as well?

A Yes, sir.

Q Is it a serious problem in Nassau County?

A In my opinion, yes.

Q Now, you stated that there are limited funds available for subsidized housing. Does that -- Given this limited funds, isn't it essential that the Department of Housing Urban Development attempt to allocate these funds in the categories meeting the needs of all groups in -- and that the two-thirds/one-third formula was designed to respond to the generalized idea of what constitutes the greatest problem?

A Yes. Although that formula has been changed somewhat since that date, so that we now -- do not have a single national formula, but allocate the ratios region by region, and, indeed, by area, and issuing offices within the regions, and a basis which has somewhat increased all over the ratio of elderly to family housing that was called for in the public housing program during the fiscal year 1973 until the moratorium.

Q Now, with respect to these agreements you reached with the other Towns of Hempstead, North Hempstead, and terms of providing some family units, is it your opinion that these were the beginning of a turning-around process, with respect to --

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WILLIAM BURTON SHORE,

called as a witness, having been first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MR. BELLMAN:

Q Mr. Shore, where are you employed?

A Regional Plan Association.

Q And would you tell the Court what is the Regional Plan Association?

A It is a voluntary civic organization that has been going since the 1920s to make recommendations on the development of the tri-state urban region that stretches from Trenton to New Haven.

Q What is your position in RPA -- I will use that short form.

A I am vice-president for public affairs.

Q How does RPA carry out its purpose and goals?

A We do research, develop recommendations with our staff and our board, and then publicize those recommendations in every way possible.

We particularly try to reach the people who are making decisions with the research results that come

out of our staff and board considerations and deliberations.

Q You say recommendations have been made since the 1920s. When was the organization created?

A Well, the Regional Plan Association was created in 1929 but it was a continuation of a committee of the Russell Sage Foundation formed in 1922.

Q Where are your offices?

A At 235 East 45th Street, in Manhattan.

Q How large a staff does the organization have?

A Well, it varies. Right now about 30 people in all.

Q What is your educational background?

A I am a political scientist but I have been working with Regional Plan for a dozen years or more, so I have picked up a little planning background.

Q Would you describe to the Court what a regional plan is, the kind of document that the organization has issued in the past?

A Well, the second regional plan, which is the basis for most of our recommendations now, is a very slim document called a draft for discussion, because we believe that plans should be widely discussed, even

as they are being developed, which we did through eight years of developing the second regional plan, which we issued as a draft for discussion in 1968.

And it is a framework within which the State, the Counties of the region, of which there are 31, and the major communities can see their own decisions, their own policies as they affect people living around them.

Because this is a single economic entity, this region from New Haven to Trenton, and it is also a single housing market in an important way, and therefore we feel that the three states and the 31 counties and the communities within them ought to see their decisions in the context of how they affect and are affected by the whole region.

Q Does RPA have a Board of Directors?

A Yes.

Q How many members on that board?

A I believe there are 45, give or take a couple.

Q And are they drawn from the three-state region?

A Yes, indeed.

Q And where does the organization's funding come from? What type of sources, not particularly --

A Well, about half over the Years has come from

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foundations and about half from corporations.

Q Mr. Shore, has the --

A I should add if I may that we have individual and non-profit members who pay their own way, so to speak. We have a large number of members which somewhat help to support the organization.

Q Now, over the years has your association undertaken any studies of Mitchell Field area or Nassau County, more generally?

A Yes, both.

Q When was the first study undertaken by RPA with respect to the Mitchell Field -- Nassau County and Mitchell Field?

A Well, there have been studies since the 1920s of Nassau County, but we particular focused on the opportunities available to the county that Mitchell Field's abandoment as an airport and opening up for urban development provided in the early part of 1965. And in April, 1965, we issued a long report to the newspapers which we then printed in, let's see, this was May, 1965, we printed that document called, "A Center for the Suburbs."

Q Now, that document dealt with Mitchell Field; is that correct?

A Yes.

Q And that is in Regional Plan News for May, 1965, No. 78; is that correct?

A Yes.

Q I show you a copy. You have one also. Is this the report you are making reference to?

A Yes, it is.

Q Was this released by the staff of the RPA?

A Well, approved by the board.

Q Approved by the board?

A It is a policy document.

MR. BELLMAN: I would like to submit this into evidence.

MR. JASPAN: I am struggling. We have a copy, we have some of the back-up documents -- and I am struggling with the decision whether to object.

Hardly any background for this report has been introduced and I wonder what the relevance of this would be.

Any group can make a report, and would that report be binding upon the county, would it in any way be binding upon this Court?

THE COURT: I suppose at most it can be an

advisory situation rather than a binding situation.

Is that what your group consists of, an advisory situation?

THE WITNESS: Certainly.

THE COURT: In other words, you have no force or affect as far as saying, "Well, we are going to ask you to do this and we want you to do this and that's the way it must be."

That would be --

THE WITNESS: No, we certainly cant say, "This is the way it must be." We put the evidence together and try to convince people that this makes sense. And we have a pretty good batting average over the 50 years.

THE COURT: In other words, when you appeal to them, you appeal to them on the basis that "this is what we've discovered in our planning and find in consulting with you it may be wise to set forth this type of a plan."

THE WITNESS: Yes, indeed.

THE COURT: If they accept it, then you have been successful; if they don't, they you go on to something else?

THE WITNESS: Right.

MR. JASPAN: There is no evidence either that they try to persuade anybody.

THE COURT: Well, I am going to take it, permit it in evidence from the standpoint of a community interested planning board rather than Governmental aid or an arm of the Government itself.

MR. JASPAN: Will the Court notes the type of objection I have raised?

THE COURT: Yes, I will note your objection, being a case involving a situation of rights, possible rights of people, I think that the rule must be extended somewhat to determine the full peripheral ideas that may be involved in the situation.

MR. JASPAN: All right.

MR. BELLMAN: I move the admission of Plaintiffs' Exhibit 52.

THE CLERK: So marked.

(So marked.)

BY MR. BELLMAN:

Q Mr. Shore, could you tell the Court in summary fashion what was the basic recommendation or

finding of the RPA in its 1965 study of Mitchell Field and Nassau County?

A We felt that Mitchell Field, which was vacant land in the center of an already large urban complex, made a -- was a tremendous opportunity to right what we considered a mistaken development pattern in the county by bringing together in that vacant land the kinds of activities that had traditionally been the center of urban areas, namely, office jobs, retailing, culteral activities, health facilities, higher education and along with them, high density housing for those who want high density housing.

Q Did the association attempt to provide reasons to support each of these commended uses for Mitchell Field?

A Yes, in this document, we -- we listed eight arguments in favor of concentrating what we underscored the counties would be getting anyhow. This was not a recommendation particularly to increase the number of people or the number of jobs or the number of activities that the county would be -- be housing, it was simply to -- arguing to bring them together, and pointing out that Mitchell Field gave Nassau County a chance to do this.

Q What specific reasons did the association give for including residential structures in the development of Mitchell Field?

A Well, one of the major arguments for concentrating activities as to provide the opportunity for people to get around in a way other than the automobile, by walking and by public transportation. And we pointed out that all of the research available indicated that when you plan a center of jobs and other activities and you relate to them the higher density housing that peoplewill want, then you can cut down the amount of auto travel significantly. You get a high percentage of people walking to work and you get the people needed to support a public transportation system, which moderate density housing and scattered jobs simply will not do.

Q Did you state any figures, or did the Regional Plan Association provide any figures in its 1965 report with respect to the number of apartment units that would be required by the county to meet the growing needs for apartment units?

A Yes, we projected population -- and not simply population in general, but population by households and by age of households -- and we pointed out that if

trends continued that most one- and two-person households would want to live in apartments, whether low or high, as they have in the past; that the need in Nassau County for simply accomodating Nassau County residents -- we are not even talking about anybody moving into Nassau County from the outside as a -- as a new household -- that the need would be -- between 1960 and 1985, there would be 339,000 households in the age groups typically seeking apartments.

So we -- we actually anticipated that conservatively speaking Nassau County would need between 1965 and 1985 about a hundred thousand additional apartment units just for their own residents and -- and their own offspring.

Q Did that figure have some influence on the recommendation to include apartment units at Mitchell Field?

A Well, certainly, because we were quite aware that the -- at least the loudes voices in Nassau County were very strongly against apartments. I think that is quite clear if you go to hearings, if you read newspapers. There is strong opposition to apartments in Nssau County.

And our point was, "Look, you are going to have

a great increasing number of your own residents who are going to want to live in apartments.

"On the other hand, clearly most people don't want them in their own neighborhoods. Now here's an opportunity to have your cake and eat it too, to have apartments that your people are going to want, but not to have them in the residential neighborhoods, to have them in the local place to support public transportation, to walk to work, to support the activities that a center can provide without scattering them all over the county," where it seemed clear that most people didn't want them.

R2 fols.

(Continued on next page.)

Q What was the -- excuse me, did RPA continue to follow the various plans and activities with respect to Mitchell Field after issuance of its 1965 report?

A Yes, indeed. We've never believed that a planner's responsibility ends with filing a report. Most of our activities follow that report by trying to get the ideas into the mainstream of -- of public decision making.

And so we attended hearings, we issued press releases, we made speeches --

Q And these would focus on the recommendations, the basic recommendations of your 1965 report?

A Yes.

Q Now, in 1969, March of 1969, RPA issued another report, did it not, entitled, "The Future of Nassau County"?

A Yes.

Q Do you have a copy of that document before you?

A Yes.

Q Now, it states on the cover that this was done in cooperation with several other organizations. What organizations did you cooperate with in preparing this document?

A The Metropolitan Regional Council, which is a

voluntary organization of the chief elected officials of the counties of the region and the major municipalities; the Nassau County Planning Commission and the Nassau-Suffolk Reg onal Planning Board.

Q Would you tell the Court how you cooperated with those organizations in the preparation of this document.

A Yes, we first talked with them, read their documents, their own research and recommendations, talked with them at great length, circulated the draft of this document to them for comment.

And I should add that this was a part of a major conference on the future of Nassau County. Accompanying this was a slide show showing alternative ways of developing the county, but based on the principles presented here in this -- in this book.

Q Was there consideration given to the use of Mitchell Field in this 1969 document?

A Yes, understandably, since we had been pushing this for four years, that was a major recommendation. But the purpose of this conference was to open up to people in Nassau County many alternative ways of -- of developing, of planned development.

The purpose of this whole series of the future of various counties which we have undertaken is to show people

in the county what their present development pattern will look like if extended, and then suggest that they might do A, B, C or D.

And we did that in the, "Future of Nassau County," providing several alternatives. First showing the advantages of concentrating urban activities of the kind we've been talking about in one center, but also, because the county was then thinking in terms of perhaps more than one center, we suggested, "All right, maybe you'd like to develop with your -- with your large scale activities in one, two, three or four centers, and they might be several places, not simply Mitchell Field."

Q Did the RPA make any recommendation with respect to including housing units at Mitchell Field in the 1969 report?

A Yes, we -- we said two things. Of course we repeated the point that high density housing belongs in an urban concentration of the kind we're talking about, a metropolitan center, so that if you chose Mitchell Field as the center, or as one of two or three or four centers, you certainly would include apartments with them.

But we said something further about Mitchell Field: We said, "If you choose to put your center activities somewhere else other than Mitchell Field, that the opportunity

Mitchell Field offers is for a housing development, a well-planned development especially for housing, which would give you a resource for relocating people who might be living in other places that you might choose as a center." For example, Mineola, or the Village of Hempstead, or Hicksville I believe were the three other places that we suggested might be sites for centers, and you might need to relocate people living there if you built them into larger urban concentrations, and therefore Mitchell Field offered you that opportunity.

So you would want apartments if you chose Mitchell Field as the center, you would want housing of various types if you -- if you chose some other place. And -- and Mitchell Field would be a good place for that.

Q Did you make any recommendations with respect to the need for housing at Mitchell Field in terms of responding to the problem of sub-standard housing in the county?

A Yes, we pointed out that there really was not a great deal of substandard housing in Nassau County, since it was a relatively high income county, but that there were some. I believe the number that was -- we quoted from the Nassau County Regional Planning Board, about 7,000 housing units sub-standard.

But we pointed out that even though these were relatively few compared to the housing units in the county, and

that they could be taken care of. If Nassau County as a whole determined to eliminate sub-standard housing, that would be very simple for the county as a whole to handle, but if you leave it for the municipalities, where the sub-standard housing tended to be, they would have a very difficult time meeting their needs, because most of these municipalities which have high numbers of sub-standard housing also were the low-income municipalities within the county, and they also had high welfare rolls.

So that while you have little problem of sub-standard looking county-wide, you had a serious problem when you looked at the municipalities where that public housing -- that sub-standard housing was, and -- and wanted to get rid of it.

Q In other words, you suggested that it would be difficult for these depressed areas to resolve their housing problems alone --

A Right.

Q (Continuing) -- without looking to a county-wide solution to the problem?

A Yes.

Q Did the Association make any recommendation as to who should build the housing to resolve the sub-standard housing problem?

* * *

man who prepared them was here, and now he is guilty of that sin, if it is a sin.

THE WITNESS: I prepared it.

MR. JASPAN: And now we would like the same rules to apply.

THE COURT: He said he prepared it.

THE WITNESS: I wrote that book, and I wrote the other document that was put in.

MR. JASPAN: Yes, but he didn't do the research, and I don't know if he did the one in 1965.

THE WITNESS: Yes, I did.

MR. JASPAN: Well, your name doesn't appear on it. Because I looked for that.

THE WITNESS: No, because we believe in anonymity.

THE COURT: He's modest.

THE WITNESS: An institutional project, but Ihappened to write both of them.

THE CLERK: So marked Plaintiff's Exhibit No. 53 in Evidence.

Q Now, Mr. Shore, do you recall testifying before a hearing of the Mitchell Field Development Corporation sometime in 1969?

A Yes.

Q Would you tell the Court where that hearing was held, if you recall.

A I believe it was at Mitchell Field at one of the temporary buildings there. I -- I can't remember more than that at the moment.

Q Could you recall what month that hearing was held?

A No, I'm afraid I don't.

Q How did it come about that you testified before the Mitchell Field Development Corporation?

A Well, we had made the initial recommendation that ended up with the concept of a center in Mitchell Field, which then moved on to creation of the Mitchell Field Development Corporation, and so it was natural for them to invite us to testify on -- on one of their proposals.

Q And were you in fact invited to testify?

A Yes.

Q Was this a hearing held during the day or at night?

A Night.

Q Did you have a prepared statement that you read to the --

A I didn't read it. I -- I had in mind points I wanted

to make, but it was extemporaneous. I believe it was a slide presentation.

Q Would you tell the Court what transpired during your presentation at that hearing?

First, excuse me, let me ask you: Was this a hearing that was open to the public?

A Yes, indeed. The public was jammed in, standing up.

Q Approximately how many people were in attendance?

A Oh, I would guess 4- or 500, but I wouldn't swear to that.

Q And do you recall what the specific purpose of the hearing was?

A Well, I believe it -- it was specifically related to housing, but I -- I'm not even that clear about that.

Q This would be housing at Mitchell Field?

A Yes.

Q Now tell the Court what transpired at that hearing, and more specifically what transpired while you testified.

A Well, I was asked to -- to put the specific proposal before the Board into the context of -- of what the long-range, broader idea about Mitchell Field would be, so they saw what this one step was aimed at leading to.

And as I tried to do that there were some objections to the idea of concentrating activities, and the audience interjected a number of rather rude remarks as I went along. And the Board Chairman quited them, but as I recall when we got to the discussion of housing specifically, the audience became too vociferous for the Board and I just had to quit testifying.

Q In other words, the audience stopped -- the actions of the audience caused you to suspend your testimony?

A Yes.

Q Did that kind of audience reaction carry out throughout the meeting, or just during your testimony?

A It was worse during my testimony, I guess. There were-- there were evidence of it all through.

Q Do you recall what types of comments were being made during your testimony?

MR. JASPAN: If your Honor pleases, I don't know how that would be binding --

THE COURT: It wouldn't be binding on anybody. I'll sustain that, yes.

Q Do you recall the racial make-up of that audience? Was it mainly white or was it racially mixed? Do you recall what it was?

MR. JASPAN: If your Honor pleases, if he's

* * *

MRS. THOMPSON: Mrs. Redfern.

B E T T Y R E D F E R N, was first duly sworn by the Clerk of the Court and testified as follows:

DIRECT EXAMINATION

BY MRS. THOMPSON:

Q Mrs. Redfern, you are a plaintiff in this action, are you not?

A Yes, I am.

Q Will you speak a little louder?

A Yes, I am.

Q Could you tell the Court whether or not you are married?

A I'm single.

THE COURT: What?

THE WITNESS: Single.

THE COURT: Single?

THE WITNESS: Yes.

Q Do you have any children?

A Yes, I do.

Q Would you tell the Court the names and ages of your children?

A Debra, 9; Antoinette, 7; Charles, 6; Geraldine, 1 year.

Q Do your children presently reside with you?

A Yes, they do.

Q Would you also state for the record what your race is?

A Black.

MR. HYMAN: Objection, your Honor. We don't need that kind of testimony. It's obvious to the Court what her race is.

THE COURT: It's not in the record.

MR. HYMAN: It doesn't have to be on the record. It doesn't leave any credibility one way or the other.

In fact, it might be discriminatory for her to describe what her race is, a violation of the Constitution. I don't hear any other witness get on that stand and say, "I'm white," "I'm yellow, "I'm black," "I'm green."

THE COURT: I don't either.

MR. HYMAN: Well, the Government objects, your Honor. She's a human being. That's what she is.

THE COURT: And I don't look at anybody any other way, any other way. It doesn't make any difference what color they are or what ethnic background they have. I don't try them

that way, and I'm sure you would want it that way yourself, wouldn't you, m'am.

THE WITNESS: Absolutely.

THE COURT: Absolutely. Let's not change that system either, believe me.

Q Mrs. Redfern, what is your present income? Do you receive support payments?

A Yes, I do.

MR. JASPAN: I can't hear the question or the answer. I think you dropped your voice.

MRS. THOMPSON: I asked her if she received support payments and she said yes, she did.

Q How much a month do you receive from the Department of Social Services?

A I receive $191 a month for basic needs.

Q Do you also receive payment toward your rent?

A Yes.

Q And how much is that?

A $292.50.

Q Do you receive any support payments?

A Yes.

Q How much do you receive in support payments?

A $65 per month.

Q Are you presently employed?

A No, I am not.

MR. JASPAN: What was that?

MRS. THOMPSON: Support payments.

MR. JASPAN: From whom?

MRS. THOMPSON: You can ask the question.

MR. JASPAN: I'm sorry, I didn't mean to interrupt.

Q What is your present address?

A 59 Mason Street, Hempstead, second floor.

Q For how long have you lived at that address?

A Seven months.

Q And what rent do you pay for that apartment?

A $325 per month.

Q Of that $325 a month how much does the Department of Social Services pay?

A $292.50.

Q And do you pay the remainder?

A Yes, I do.

Q Is that remainder approximately $32?

A $32.50.

Q Have you ever asked the Department of Social Services to pay the additional $32.50?

A Yes, I have.

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THE COURT: How was it increased? Was it sent to you by way of notice, 30 day notice, or did he just tell you orally?

THE WITNESS: 30 day notice.

THE COURT: 30 day notice?

THE WITNESS: Yes.

THE COURT And when was the 30 day notice served upon you?

THE WITNESS: April 28.

THE COURT: April 28?

1973?

THE WITNESS: 1973.

Q Are you presently looking for a new place to live?

A Yes, I am.

Q Could you tell the Court what attempts you have made to find new housing.

THE COURT: See, that's an eviction case. I used to try them when I was in the lower Court, but I'm not going to try them now. I know all the answers, believe me. I went through quite a few of them. That's not before me now.

MRS. THOMPSON: What we are trying to

establish through this witness is that she's seeking housing and she cannot find housing.

THE COURT: She couldn't possibly -- even assuming that I approved the fact that Mitchell Field should have public housing, she couldn't move there until 19 -- I don't know, I really don't know myself, and I'm not being facetious about it. I'm just being realistic about it: She couldn't so it doesn't make any difference if she doesn't find a place, she is not going to wait. She is not going to wait.

How much time do they give you in those Courts out there, six months to find a place?

THE WITNESS: No, I pay additional rent.

THE COURT: What?

THE WITNESS: They increased the rent.

THE COURT: Is it non-payment now, is that what they are after you for?

THE WITNESS: Excuse me. No.

MRS. THOMPSON: Your Honor, maybe we can clear it up.

Q Were you served an eviction notice for non-payment of rent?

A He asked me did I get an eviction notice? I told him yes, I got a 30 -- a 30 day notice which I took to Mineola. And they said it would -- they would not pay the rent, so I did it myself.

THE COURT: So that's not an eviction notice. That's a notice of increase of rent.

Q Mrs. Redfern, are you presently looking for new housing?

A Yes, I am.

Q O.K. Once again, could you tell the Court your attempts to find that new housing. What have you done to look for new housing?

MR. HYMAN: I object. She testified she paid the rent.

THE COURT: I'll take this on the question of necessity alone, that's all. It doesn't go towards discrimination whatsoever, but towards necessity, which is also an issue, I will take that.

THE WITNESS: Well, I --

THE COURT: If she made any attempts. Go ahead.

THE WITNESS: Well, I went to Cedar Ridge Court apartments. They had an ad in the paper

for a three bedroom, $275.

The superintendent told me that they didn't have no more, so I told him I saw the ad in the paper. He said they put yearly ads in the paper.

And I went to another in Hempstead on Clinton. The rent for two bedroom was $295.

And the Wilshire House in Freeport. And I was on welfare and they said that they wouldn't accept me.

MR. JASPAN: I'm sorry, I didn't hear what you just said.

THE WITNESS: The Wilshire House in Freeport, and they wouldn't accept me because I was --

MR. JASPAN: They wouldn't accept you?

THE COURT: Did you --

THE WITNESS: No.

THE COURT: Did you complain to Welfare?

THE WITNESS: They tell you let them serve you an eviction notice, they

THE COURT: They did say that, in other words, they would relocate you until such time as you find a place?

THE WITNESS: I just came out of a motel.

Q Mrs. Redfern, before you moved to your present apartment, where you just testified you resided for seven months, where were you living?

A Parkway Motel in Bellmore, Sunrise Highway.

Q For how long had you lived there?

A One year and eleven months.

Q During that time did you make an attempt to find new housing other than the motel?

A Yes.

Q Could you describe to the Court what you did to look for that new housing?

A Well, Jacker Realty had found me a house in -- Jacker Realty found me a three bedroom apartment. It was in a white section. And I went to look at the apartment. They had paid the money and everything, you know, laid the money out for me.

So the landlord wanted to talk to me. They took me back to meet the landlord and when I walked in I don't know what he was looking for, but you know, he

asked me a couple of questions and said he would get -- notify me.

So when he -- when he notified me he told me that he wouldn't rent it to me.

Q Did you make any other regular attempts to look for new housing while you were living in the motel?

A Yes, nothing but two bedrooms, everything was $275 - $300, which they wouldn't -- at that time wouldn't pay but $270 for me, until some kind of rent increase went up, then they paid $292.50.

Q When your talking about "they" you are referring to the Department of Social SErvices?

A Social Services.

Q Did the Department of Social Services help you to look for housing while you were living in the motel?

A They took me to a couple of -- yes -- places that I rejected, in Roosevelt, slum section, the ghettos and whatever you want to call it. And I turned them down because I wouldn't have my kids -- I didn't want to live there.

Q While you were living at the Bellmore Motel your children attended school in Bellmore, did they not?

A Yes.

Q And they had no problems in those schools, did they?

A No, not -- no.

Q Are your children attending school where you presently live?

A Yes.

Q What is the racial composition in the school which they are attending?

A Let's see, about 85 percent black.

Q And have your children had any problems in that school?

A Nothing but what children go through, you know, everyday routine.

Q And what was the racial composition of the school your children were attending in Bellmore?

A 95 percent white.

Q And were your children happy in that school?

A Yes.

Q Have you yourself been attending school recently?

A Yes.

Q What kind of school have you been attending?

A I went to IBM Computer under the WINS program, BOCES.

MR. JASPAN: BOCES.

THE WITNESS: No, BOSES.

MR. JASPAN: A new one on me.

Q All right. And was this school looking forward to preparing for employment?

A Yes.

Q Are you presently attending that school?

A No, but I will be in September.

Q Have you ever seen Mitchell Field?

A Yes.

(continued on the next page.)

Q Do you know what's presently located at Mitchell Field? Do you know what is presently located at Mitchell Field?

A Yes.

Q What is that?

A Nassau County Coliseum.

Q Is there anything else that you are aware of at Mitchell Field?

A No. Not in the surrounding area.

Q If housing that you could afford were built at Mitchell Field would you like to live there?

A Yes.

MR. BELLMAN: I have no further questions.

THE COURT: Any questions?

MR. JASPAN: Just a couple.

XXXXXXXX CROSS EXAMINATION

BY MR. JASPAN:

Q How many rooms are in your present apartment?

A Five and a half.

Q What is the general condition of the apartment? Or what shape is it in?

A Liveable, good. Good.

A For housing, low income and moderate housing.

Q You mean the Federal Government should build it?

A I don't understand your question.

Q How about the Environmental Protection Agency, when you spoke to your attorneys for the first time what did you tell them about the Environmental Protection Agency?

A I didn't tell them nothing.

Q What did you tell them about the General Services Administration Building?

A I didn't tell them nothing.

Q Did they tell you?

A No.

Q You just walked into the office and you say, "I want housing." Is that what you said to them?

A I am fighting for low and moderate income housing. I read the newspapers. Understand?

Q Yes, ma'am.

A And I knew what was goingon at Mitchell Field.

Q What was going on, what was your understanding of what was going on at Mitchell Field?

A All right, I will put it this way. When I

was in -- when I moved to the motel in '71 it was a group of us called the mothers that was consistent for housing and we got together and we used to go to Mineola for housing and then when I -- we talked, talked and we was asked some questions what we think should be built on Mitchell Field. And this is what I thought should be built on Mitchell Field.

(Continued on the next page.)

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Q All right. So you don't think the Federal Office Building should go up, in other words?

A No.

Q So you aren't looking for employment with the federal government in that Federal Office Building, which is not going up, is that correct?

A It is other jobs.

Q No, answer my question. You are not looking for employment --

x A I am looking for low, modern income housing.

Q Will you answer my question, Miss? Are you looking for employment in the Federal Office Building which you believe will not go up? Yes or no?

A No.

MR. HYMAN: No further questions.

THE COURT: All right, step down.

(Witness excused)

THE COURT: All right, gentlemen, will you come up to the bench.

(Discussion.)

THE CLERK: The trial will resume at 3:00 o'clock this afternoon.

(Thereupon, at 12:50 o'clock p.m., a recess was taken to 3:00 o'clock p.m.)

DDS 1/1 PM

AFTERNOON SESSION

3:00 o'clock p.m.

MR. BELLMAN: I call Blankman.

N O R M A N E A R L B L A N K M A N, called as a witness on behalf of the plaintiffs, having been first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MR. BELLMAN:

Q Mr. Blankman, where do you live?

A In Sands Point.

Q Is that in Nassau County?

A That is correct.

Q How long have you lived in Sands Point?

A Since 1956.

Q How long have you lived in Nassau County?

A Approximately 24 years.

Q What is your profession?

A I am a real estate investor and developer.

Q Mr. Blankman, are you currently running for political office?

A I am.

Q What office are you a candidate for?

A I am an independent candidate for Nassau County Executive.

Q Mr. Blankman, are you affiliated with the Long Island Association of Commerce & Industry?

A I am.

Q Will you tell the Court what your affiliation is?

A I am a member of the board of directors and was chairman of their Mitchel Field Task Force.

Q What is the Long Island Association of Commerce & Industry?

A The organization is, in effect, the Chamber of Commerce for Long Island, and it represents the interests of the leading business firms in both Nassau and Suffolk Counties.

Q Approximately how many members are there in the Long Island Association of Commerce & Industry?

A There are approximately 1300 member firms, that is, 1300 firms who are, in effect, members of the Long Island Association.

Q Are there some major corporations who are participating in the Association?

A Yes, I would say that the LIA, as it is commonly

known, includes almost 100% of the major firms. It includes such firms as Sperry Rand, Long Island Lighting Company, Cutler Hammer, the Telephone Company, New York Telephone Company -- all of the commercial banks, Fairchild Republic Aircraft, Grumman Aircraft, and I think probably all of the universities as well.

Q How long have you been on the board of directors of LIA?

A I think I have been on the board since 1970, either 1970 or 1971. I'm not certain exactly when it was.

Q Were you working with the organization prior to being a member of the board?

A Yes, I have been a member probably ten years. That is, my firm has been a member firm, and I probably have been a member for ten years.

Q Do you know how long the LIA has been in existence?

A No, I don't. I would say that my guess is probably twenty-five years or more. I wouldn't know exactly.

Q What is the purpose for the LIA?

A The purpose of the LIA is to represent the business interests of business firms in Nassau and Suffolk Counties and to investigate those matters that are of interest to business, and to actively take public positions in support

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Blankman - direct

of their point of view that they think will benefit the general economic health of both Nassau and Suffolk Counties.

Q How many members are there on the board of directors?

A Oh, I think there are about thirty to forty members of the board of directors.

Q That would cover both counties?

A Both counties, yes.

Q Now, you stated you were chairman of the Mitchel Field Task Force.

Please tell the Court what the Mitchel Field Task Force is and how it came into existence, and when.

A It came into existence in approximately June of 1969.

At that time William J. Casey, who is now Under Secretary of State for Economic Affairs, was president of the LIA, and he came to me and said that the county had just issued a new plan for the development of Mitchel Field, commonly known as the Marcom Plan, and that the LIA wanted to take a position on that plan, a public position, and he asked me if I would form a so-called task force to analyze the Marcom Plan and to report back to the LIA so that the LIA could then take a public position.

Q Now, did you accept Mr. Casey's request

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to undertake this task?

A I did.

Q Can you tell the Court how you went about putting together the task force.

A Well, Mr. Casey assured me that I would have complete freedom in the choice of the members of the task force because I indicated to him that I thought that the conclusion, pro or con, would have a much greater force on public opinion if I was not necessarily confined to members of the LIA itself, so that I could broaden the scope of my task force, and Mr. Casey readily agreed to that.

As a result, I then went and I put together what I considered to me was a blue ribbon group of people representative of many interests.

I had William Lowe, for instance, who was the vice president of First National City Bank.

I had Allen Fortunoff, who was the president of Fortunoff Department Stores.

I had Claire Sauer, who was chairman of the Suffolk County Charter Revision Committee.

I had George Meltzer, who is president of the Long Island Chapter of the American Institute of Architects.

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I had Richard Mase, who is -- who was the Director of Urban Affairs for Levitt & Sons, the large building firm.

I subsequently enlarged the committee to include Patricia Barnet, who had been past president of the Nassau County League of Women Voters, and subsequently became a state officer.

Claire Stern, executive director of the Long Island Environmental Council.

And I think the last person was Murray Barbash, who was a builder and conservationist and chairman of the committee to create a national park out of Fire Island.

Q Now, you said your task was to review the so-called Marcom Plan and advise the Association as to a position it should take on the Plan.

A That is correct.

Q How did you go about your task?

A We initially met with the representatives of the Mitchel Field Development Corporation, which was the entity that the County had set up to develop Mitchel Field.

And we went into -- We had several meetings with them, and as a result of the information that they

gave us and our conversations with other representatives in the county, the Bi-County Planning Board, known as the Nassau-Suffolk Planning Board, we analyzed the plan and produced a written report for the Executive Committee and the board of directors of the Long Island Association.

Q When did you complete your report?

A In September of 1969.

Q Was it, in fact, submitted to the Association?

A Yes, it was submitted to the Association in September, 1969, both to the Executive Committee and then after it received their unanimous approval it was then submitted to the board of directors of the LIA, which also gave it its unanimous approval.

Q Do you recall when the board of directors approved your report?

A In September of 1969.

Q Was the report ultimately forwarded to the Mitchel Field Development Corporation?

A It was.

Q Mr. Blankman, I show you a copy of a letter from Mr. Casey to the Mitchel Field Development Corporation dated March 19, 1970, which is a cover letter for the report itself. Do you recognize the letter and the report?

A I do.

Q And is this the report that your task force prepared and was forwarded to the Mitchel Field Development Corporation?

A It is.

MR. BELLMAN: We would like to move its admission into evidence.

MR. JASPAN: No objection.

THE CLERK: So marked, as Plaintiffs' Exhibit 56 in evidence.

(Document referred to was received and marked Plaintiffs' Exhibit 56 in evidence.)

Q Now would you tell the Court what your task force concluded and recommended in its report on Mitchel Field.

A Well, the main thrust of the report -- it is a fairly lengthy report -- but the main thrust of the report was an agreement with the general principles set out by the Marcom plan, that is, the overall idea of development our report was in agreement with. What we took exception to was the details and the method of implementing the plan, and what we felt were some of the inaccuracies of the conclusions.

We -- Our main opposition finally actually

came in because after the Marcom plan was published the Mitchel Field Development Corporation entered into a proposal to complete what they called Phase I of the plan, and although Phase I originally was to include housing, the Mitchel Field Development Corporation announced that they were going to postpone housing. And one of the principal objections of our report was that we did not want the County to proceed with anything unless there was an immediate provision for housing.

DDS 1/2 PM

Q Why did the task force take such a strong position with respect to inclusion of housing at the Mitchel Field and inclusion in the first phase of the development?

MR. JASPAN: I object to the form of that question.

THE COURT: I will allow it. Go ahead.

A Well, we took a strong stand in favor of housing for several reasons. No. 1, our report had been preceded by the Nassau-Suffolk Regional Plan. The Nassau-Suffolk Regional Plan, to which both Nassau and Suffolk Counties were a party, partly financed and appointed the representative to, itself took a very strong stand in favor of housing at Mitchel Field.

As businessmen also, we recognized that

you can't have a viable business community if your employees don't have a place to work -- excuse me -- I mean to live.

And, thirdly, we were personally aware of the extreme housing shortage in Nassau County, and we felt it very important that people -- at one point there were over 25,000 employees projected to work in Mitchel Field, and we recognized that one of the best ways to solve your traffic problems in connection with Mitchel Field was to enable as many people as possible who worked there to live on Mitchel Field itself.

And finally, we felt that if housing was not provided for immediately at Mitchel Field, that it would be nibbled away at and before we would know it there wouldn't be any provision for housing.

And our forecast turned out to be true. In other words, at that time no one had come out 100 percent against the housing. And subsequent to that, what we were afraid of has come true. The present administration has announced that there will be no housing of any kind. So if we had let them go ahead at that time and agreed to it, obviously the field would be largely committed and there would be no housing whatsoever.

Q What sort of housing did the task force have in mind when it recommended the inclusion of it?

A Housing for all income, specifically the words used were "low," "middle," and "luxury" housing.

Q Was the task force report made public?

A Yes, it was.

Q Was it circulated among the board of directors and the membership of the association?

A Well, it was circulated among -- it was sent out to all members of the board of directors, the Executive Committee, and I think it may have been referred to in bulletins of the LIA. It certainly was disclosed in its full content to all of the trades, everybody, and every representative of the County, the Board of Supervisors and everyone got a copy of it.

Q Now, what steps did the task force take subsequent to, well, March 19, 1970, when the report was forwarded to the Mitchel Field Development Corporation with respect to Mitchel Field?

A We spent those approximately six months, almost six months period, meeting with the county representatives, including the Board of Supervisors, including the County Executive, members of the Mitchel Field Development Corporation and its board of directors, to try to

convince them privately without public embarrassment to any one of the validity of our report; but, unfortunately, it was to no avail.

Q Did the task force thereafter attempt to have the Association take any other action with respect to Mitchel Field?

A Yes. The task force, when it felt it was up against a stone wall, particularly after the election of Mr. Caso, in which he made a public statement reversing his former position, that he now took a public position there wouldn't be any housing of any kind in Mitchel Field, the task force urged the Long Island Association to institute legal action.

Q How was that action taken? Was this brought up before the board of directors?

A Yes, it was. It was brought up before the board of directors. On the advice of counsel of the LIA and the feeling of the board of directors, since the LIA was a trade organization, it did not feel that it could institute a lawsuit, and I so reported it to the Board of Supervisors -- the present Board, when I testified before the Board of Supervisors.

Q Did the task force thereafter take any action?

A The task force, having put such a tremendous amount of time and effort into it, didn't want to see its efforts go to waste and seed, and therefore, with the knowledge of the LIA, took the nucleus of the original task force, took the nucleus, and formed into an independent body, made it very clear that it was an independent body publicly, and it then proceeded to raise funds and to take whatever action it could to encourage the filing of a lawsuit.

Q It is true, is it not, that that task force has supported this particular lawsuit with financial assistance?

A That is correct, yes, sir.

Q Now with respect to that task force, has -- are all of the members of that task force residents of Nassau County.

A Yes. That is -- No, no, that is not correct. That is not correct, no. One of the members -- one of the members of the independent task force now is a resident of Suffolk County. And this was natural, because it was an outgrowth of the LIA, which was a bi-county organization.

Q Now, you state that the Association rejected the request to involve itself in a lawsuit.

Has the Association at any time criticized the task force findings or reports, or attempted to in any way withdraw support of your report?

MR. JASPAN: If your Honor please, I object.

THE COURT: Objection sustained.

MR. BELLMAN: I think, your Honor, the question goes to whether it has withdrawn its support -- endorsement of that task force -- and a report which was done by an action of the board of directors. My question is has the board of directors acted to rescind that endorsement.

MR. JASPAN: As I understand the testimony of Mr. Blankman he now appears for an independent body because the Long Island Association would not pursue the lawsuit, for whatever reason they had. And he is not speaking for the Long Island Association.

MR. BELLMAN: He remains a member of the board of directors.

MR. JASPAN: But is he speaking for the Long Island Association?

THE COURT: I understand. That's the

reason for my ruling.

THE WITNESS: Can I answer that, your Honor.

THE COURT: If you can answer it.

THE WITNESS: Yes. I have told the Long Island Association that I was going to testify today and that I discussed with the executive director the position of the LIA, and I have his knowledge and approval to state for the organization that it has never rescinded any approval of this task force report.

(Continued on the next page.)

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Blankman - direct

MR. JASPAN: No, that's not the same thing. He is not speaking for the Long Island Association.

THE COURT: Are you speaking for the Long Island Association? That's what we're asking you.

THE WITNESS: Well, I'm speaking with their consent and knowledge, your Honor.

THE COURT: That's a little different. Is he speaking for them? You either appear for someone, or you don't appear for them.

MR. BELLMAN: As a member of the Board of Directors -- as a member of the Board of Directors, your Honor, he would know whether or not there has been any action --

THE COURT: Does he have any authority to come here and speak in their behalf as their representative? That's the question.

MR. JASPAN: That's right. I'm on the Board of Trustees of a lot of organizations. I don't speak for them.

THE COURT: I won't take the testimony at this point.

MR. BILLMAN: Okay.

Q Mr. Blankman, have you had opportunity to discuss the Task Force Report with various members of the Association, other than the Board of Directors, or representatives of these corporations?

A Yes, of course.

Q Have you been able to ascertain what the general reaction has been among the membership to that report?

MR. JASPAN: Yes or no?

THE WITNESS: Yes, I have.

Q Could you tell the Court what that reaction has been?

MR. JASPAN: I object, if your Honor please. His conversations with some third party, who isn't in this courtroom, are not binding upon us.

THE COURT: It's not binding here. It's not going to be of any probative value to the Court.

MR. JASPAN: It's hearsay.

THE COURT: Absolutely. They could be standing on a street corner and talking to each other.

Q Has the Task Force attempted to organize support

among organizations in Nassau County for its position that housing should be included at Mitchell Field?

A It has.

Q Could you tell the Court what actions the Task Force has taken with respect to --

MR. JASPAN: If your Honor pleases, that's entirely irrelevant to this --

MR. BELLMAN: Will you let me finish the question.

MR. JASPAN: Oh, I assumed that you had stopped and had finished. I am sorry.

THE COURT: Let me hear the question.

(Last question read.)

Q (continuing) -- organization support among various civic or religious organizations in Nassau County.

MR. JASPAN: If your Honor please, what the Task Force did is not binding upon the County and has no relevance to this dispute.

THE COURT: This is a question of activity in the community. I'll allow it for that purpose and that purpose only.

All right. It's not binding testimony.

THE WITNESS: The --

MR. BELLMAN: Excuse me?

THE COURT: Not as binding testimony, but I'll allow it as activity in the community.

MR. BELLMAN: Right.

THE WITNESS: The Task Force, having made its position known, elicited response and support from the community, and it received that in the form of public statements and resolutions by twelve to fifteen of the most prominent civic and religious bodies in Nassau County.

Q Could you give the Court some idea of which organizations and religious bodies have given you that support?

A Yes, the organizations were the Nassau County League of Women Voters, the Long Island Builders Institute, the Long Island Association, of course, the Catholic Diocese of Rockville Center, which is the main Catholic body in Nassau County, the Episcopal Diocese, the Long Island Council of Churches, the American Union of Hebrew Congregations, the National Association of Social Workers. I think that's the major -- the major groups.

Q And all of these organizations supported, if I understand your testimony, the notion of including housing at Mitchell Field?

A Yes, they did.

MR. BELLMAN: I have no further questions.

THE COURT: You may examine, Mr. Jaspan.

CROSS EXAMINATION

BY MR. JASPAN:

Q Mr. Blankman, you mentioned the names of Mr. Fortunoff, Claire Sauer, Richard Mayes and Claire Stern. Are they members of your Task Force at this time?

A No, they aren't.

Q Are you speaking for them at this time?

A I -- I said that the -- that at the -- that at the conclusion of our activities for the Long Island Association, we formed as an independent body, and took the nucleus of -- of those. The people that you mentioned are not now presently members of the -- of the Mitchell Field Task Force. We are an independent body.

Q Are you purporting to talk today for Under-secretary Bill Casey?

A I don't understand the question.

Q Well, I want to know if you're telling this Court that you are speaking today for William J. Casey?

MR. BELLMAN: Your Honor, he has never claimed to have --

MR. JASPAN: He did, he spoke -- His testimony at the beginning was that he was

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DANIEL T. SWEENEY, a witness called herein, having been duly sworn by the Clerk of the Court, assumed the witness stand and testified as follows:

DIRECT EXAMINATION

BY MS. THOMPSON:

Q Now, Mr. Sweeney, what is your present occupation?

A Presently,consultant.

Q Were you ever employed by Nassau County?

A Yes, I was.

Q In what capacity?

A Several capacities. I first joined Nassau County in 1962 as Deputy County Attorney. Subsequently I advanced to various offices, senior deputy, under-sheriff of Nassau, second deputy county executive, and finally first deputy county executive.

Q During what period were you second and then first deputy county executive?

A I became second deputy on January, '66, and first deputy executive January, '67.

Q How longdid you serve as first county executive?

A How long?

Sweeney-direct

Q From what period did you serve as first deputy county executive?

A January, '67, through March, '69.

Q In March,'69, what did you do?

A I went over to Mitchell Field Corporation and was elected President.

Q Were you appointed to the Mitchell Field Corporation by county executive Nickerson?

A That is not an appointed job. I was elected by the directors as President.

Q For what period of time did you serve as President of the Development Corporation?

A Until the dissolution in '71, I guess.

Q Were you serving as deputy county executive at the time that the Mitchell Field Development was created?

A Yes.

Q Did you have any involvement in the creation of the corporation?

A The actual creation of the corporation, no, I did not.

Q Do you know how the corporation was created?

A Yes.

Q Now how was it created?

A The corporation was formed as a kind of a joint sponsorship, the Town of Hempstead and the County of Nassau, for the development of Mitchell Field. To do that, a non-profit development corporation was formed under the membership corporation law at that time, and the appointment of the directors was spread between the presiding supervisor, Town of Hempstead, who had the right to appoint three members, and the County Executive of Nassau County, who had the right to appoint six members.

Q Did the county executive Nickerson consult with you in terms of who his appointments to the corporation would be?

A No.

Q After the corporation was established and while you were still in the county executive's office, what did you do, any work with the corporation?

A Yes.

Q What was that work?

A Well, I had no specific responsibilities to the corporation, but I generally functioned instead for the County executive, and in my absence, any time anything came up, that directly had to do with the

corporation, I would tend to it at that moment. I had nothing specific in mind.

Q At the time that you became President of the corporation, in March of 1969, was there any work which the corporation was in the process of doing which you then picked upon?

A I joined the corporation when they were ready or shortly they were ready to release the Nassau Center Report, which had come out in March of '69.

Q Are the reports to which you are referring Plaintiff's Exhibit 14?

A Yes, that is it.

Q Is this a report which was actually issued by the Mitchell Field Development Corporation?

A Yes.

Q Was that report based on work done by consultants to the corporation?

A Yes, it was.

Q And that is the Marcom Corporation?

A Yes.

Q Let me hand you a document which is called, summary of objectives, plans and policies for the development of Nassau County, prepared for the Mitchell Field Corporation by Marcom, Incorporated.

Do you recognize that document?

A Yes

Q Is that the document on which the Mitchell Field Development Corporation based its Nassau Center Document?

A It is one of them.

MRS. THOMPSON: I would like to mark it for identification, and offer it in evidence.

MR. JASPAN: No objection.

THE CLERK: Plaintiff's Exhibit 57 in evidence.

(So marked.)

(continued on following page)

Q You indicated that the Nassau Center report was based on the Marcom Inc. Nassau Center Report and other documents, what were those other documents?

A Marcom had a document that proceeded that one that you had.

Q Are you referring to plaintiff's exhibit 31, basic development program for Mitchel Field?

A Yes.

MR. JASPAN: Yours is thicker than mine.

MRS. THOMPSON: Ours is zeroxed.

Q Did the Mitchell Field Development Corp. itself propose the development of housing in Mitchell Field?

A Yes.

Q Were you a member of the corporation when the corporation made the determination to recommend housing on Mitchell Field?

A No.

Q Was that a determination which had been made by the corporation before you joined the corporation?

A Yes, that was made as this report was put together.

This report came out when I came over.

Q When you joined the corporation, did you have any occasion to question that recommendation by the corporation?

A No.

Q When you joined the corporation, did you have any occasion to meet with representatives of the Marcom Inc. to discuss their recommendations and studies?

A Yes sir.

Q Did Marcom indicate to you what steps it had followed in terms of putting together its proposals for the development of Mitchell Field?

A Yes.

Q What were the steps briefly which Marcom followed?

A They are all related to the documents that we drew the information from to make up this report.

Q To your knowledge did Marcom do any studies of the existing development in the Nassau County area?

A Yes.

Q Do you know whether they relied on any other existing studies?

A They were in close communication with the Nassau County Planning Commissioner, with the By-County Planning Agency, Regional Planning Association and all the other planning groups that would be significant to provide a data for this type of development.

Q To your knowledge, had Marcom, before it made its recommendation for the development of Mitchell Field,

been given any specific instructions by the corporation as to what it should suggest to the development of Mitchell Field?

A Not to my knowledge.

MR. JASPAN: I am sorry, I didn't hear the question and answer.

(Whereupon the last question and answer read by the reporter.)

Q Do you know whether Marcom Inc. had been made aware of the various deed restrictions involved in some of the transfers of land from the Federal Government to Nassau County?

A Yes sir, there was.

Q Were you present in court today while Mr. Blankman was testifying?

A Yes.

Q Did you hear Mr. Jaspan's cross-examination of Mr. Blankman?

A Yes.

Q Did you hear Mr. Jaspan refer to a deed restriction?

Did you hear Mr. Jaspan refer to a deed restriction concerning a 66 acre park at Mitchell Field?

A Yes.

Q Were you aware of the deed restriction concerning 66 acres of land?

A I don't recall the acreage but there are several parcels required --

Q Let me direct your attention to Page 25 of Plaintiff's Exhibit 57 of objectives, plans of Nassau County, is there reference to a deed restriction for 56 or 66 acres of land in the last paragraph?

A Yes.

Q Could you read what that says?

A Additional 66 acres of Nassau Center land were obtained by the County with specification it be used for parks.

Q Could you continue?

A Western portion of Nassau Green is located within these lands. Provision will be made possibly utilizing trade office to include at least 66 acres of parks and other open space areas through the Nassau Center complex.

(continued on next page)

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Q As the Marcom plan developed did it actually show a block of 66 acres for a park?

A Yes it did. I think the acreage of park was 30 acres.

Q 30 acres?

A If my memory serves me.

Q I take it the rest of the acreage was sprinkled throughout the development?

A Yes.

Q Was it the intention of the Mitchell Field Development Corp. to engage in any other land swaps besides the one concerning the 66 acre park?

(Witness examines document.)

Q (continuing) I refer you to Pages 24 and 25.

A Well, the reference on Page 24 to Nassau Green is the park I was referring to, which I think is 30 acres. I am not sure. I don't recall that figure.

Q Do you recall any discussion by the corporation with regard to changing the land which the Federal Government had retained for a Federal Office Building?

A Yes. The Federal land was located on the Northwest portion of Mitchell Field. And we were very interested in swapping off a part of that land with the Federal Government and to locate our Commerce and Industry section in that

area and have the Federal Government move South on Oak Street for the Post Office that was being spoken about at that time. And we negotiated quite a bit with the Federal Government to do that.

Q Do you know whether that swap in fact has taken place?

A I don't believe that swap has, but another has.

Q What swap are you aware of?

A I understand that the Federal Government and Nassau County have exchanged portions of land so that the Federal Government now has frontage on Stewart Avenue, and the parcel they formerly had on Oak Street is now with the county. But I am not certain of that. That is just based on newspaper reports.

Q During the time that you were having negotiations with the Federal Government on behalf of the corporation with regard to the first land swap you refer to, did the Federal Government give you any indication that it was not receptive to a county proposed swapping.

A No, quite the contrary.

Q Now, with regard to the question of housing at Mitchell Field, did the Mitchell Field Development Corp. propose that a specific number of units be constructed at Mitchell Field.

A Yes, I think it was 1700 units which we called for in our first phase construction.

Q And with regard to the 1700 units, were they to be for any particular economic group?

A They were to be for three economic groups, luxury, middle income and low income.

Q And was there any suggestion made by the corporation as to how the 1700 units should be divided between those three groups?

A Our feeling was that it should be approximately a one third split.

Q One third luxury?

A One third in each category.

Q With regard to the split did the corporation also make any recommendations concerning how the individual units should be constructed in relation to each other.

A In terms of types of residents?

Q Yes.

A Well, we felt strongly that there shouldn't be created separate buildings for low income, and then another building for high income, and ghettoize the different economic levels, and that we felt the vertical development would be desirable, and that was the area we were looking into, namely, you would have a certain number of apartments in each building

which would be luxury, a certain number for middle income and a certain number of low income.

Q Is that what you mean be vertical mix?

A Yes.

Q Now, in terms of the development of the housing did the corporation make any recommendation with regard to the height of the units to be constructed?

A Yes. We were very sensitive to the question of height in Nassau County and felt that we should recommend heights consistent with that sensitivity of economic feasibility. So the original recommendation was that nothing should exceed 14 stories. And the reason 14 stories was selected was somewhat arbitrary, because that is the existing height of the Hofstra Towers on the Southwest portion of the Mitchell Field property.

We subsequently reduced that height suggestion to a hundred feet. And the reason for reducing it to a hundred feet was that we still believed that we could have an economically feasible project within that height limitation -- and the figure of a hundred feet is the height limitation presently existing in the Town of Hempstead Commercial Zone. So a private developer who today has a parcel zoned commercial in the Town of Hempstead could have built to the height of one hundred feet.

Q Now, during the time the corporation was working on its proposals with regard to housing at Mitchell Field did you have occasion to consult with other members of the County Board of Supervisors or with the County Executive?

A Yes. I made it a policy to consult regularly with both the County Executive and the presiding supervisor of the Town of Hempstead.

Q That of course was Mr. Caso?

A Yes. That is not to say I did not consult with the other supervisors. I did.

But since this was a co-sponsored corporation of the Town of Hempstead, County of Nassau, I felt a particular responsibility to keep the senior elected officials of those municipalities informed as to our activities.

Q Now, again with regard to the proposals of housing at Mitchell Field, do you recall how the initial phase proposal for 1700 units was arrived at?

A No, I was not involved in that.

Q In making these proposals with regard to housing at Mitchell Field was the corporation aware of the need for housing in Nassau County?

A Oh, certainly.

Q In terms of dealing with the need for housing

in Nassau County did you rely on particular studies?

A All of the studies of all of the planning agencies I referred to earlier.

Q Would that be by-county?

A Yes, by-county and others.

Q In terms of need, was it the corporations intent to try to solve the county's housing need at Mitchell Field?

A Oh, no, couldn't do that. No intention of doing that at all.

Q Did the corporation ever make any suggestion with regard to the need to meet the housing in both Mitchell Field and elsewhere in the county?

A Yes.

Q Let me direct your attention to a document entitled Nassau Center Interim Report October, 1970.

Are you familiar with that document?

A Yes.

Q What is that document?

A This was a report that we put together for distribution to anyone who indicated an interest in what Mitchell Field was, or what it was about. It is really a history of Mitchell Field up to that date that you mention, and also some indication of what our future intentions were.

Q Is there a section in that dealing with housing?

(Witness examines document.)

Q (continuing) Page 10.

A Ten?

Q Yes.

A I am sorry, yes.

Q Does that statement on housing set forth the corporations position on housing at Mitchell Field as of October, 1970?

A Yes.

MRS. THOMPSON: I would like to offer it in evidence.

MR. JASPAN: I have no objection.

THE CLERK: All right, it will be marked plaintiff's Exhibit 58 in evidence.

(So marked.)

(Document referred to is received and marked Plaintiff's Exhibit 58 in evidence.)

BY MRS. THOMPSON:

Q Now, let me direct you to the statement on Page 10 of Nassau Center Interim Report.

Would you read that statement with regard to housing and tell me whether it summarizes the corporations

position with regard to housing at Mitchell Field.

A Do you want me to read it aloud?

Q Yes.

A "The corporation is committed to doing its share toward relieving the county's housing crisis. We have proposed the inclusion of housing at Nassau Center and continue to do so. We are cognizant, however, that the entire county housing problem cannot, should not, and will not be solved at Mitchell Field, and that additional solutions are necessary."

Q Would that summarize the corporations position with regard to housing at Mitchell Field?

A In a general sense, yes.

(continued on next page)

Q You have indicated earlier that you joined the Mitchell Field Development Corporation as of the time the Nassau Center document was released?

A Yes.

Q Was that Nassau Center document distributed to the public?

A Yes.

Q Or any public hearings held on that document?

A On this document?

Public hearings were held subsequent to the issuance of this document.

Q When were those hearings held?

A I don't recall the month. It was, I guess, somewhere around June or July, in the summer of 1969.

Q Were you present at the hearings?

A I conducted them.

Q Do you recall how many hearings were held?

A I believe there were three.

Q What was the purpose of those hearings?

A Well, the purpose of those hearings was to get the feeling of the community on the recommendations

that had been made, so that we could better proceed in the implementation phase.

Q Now, when you speak of an implementation phase, did you consider that the corporation was in a particular implementation phase?

A Well, we felt that --

Q -- through the 1969 hearings?

A Yes, that is true -- we felt that this was the planning stage. And we looked to a five-year construction period toward the initial phase construction.

Q I take it these hearings, then, were to help the corporation determine public reaction and proposals in preparation for implementing a plan? Is that correct?

A Yes.

Q At those hearings, did the corporation itself make any statements or any presentations?

A No.

Q Who did make presentations at those hearings?

A Well, we notified everyone who had ever indicated to us an interest in the Mitchell Field Development which names we had in our files, plus all of the groups that we felt would have some interest, even

if they had not contacted us, such as school districts and the local fire departments, civic associations, things of that nature. And we also tookads in various newspapers, indicating that the hearings would be held.

So I would think we gave pretty general information that we were going to hold those hearings.

Q Were those hearings well attended?

A Yes, I would say they were pretty well attended.

Q Do you know whether the hearings were held during the day or during the evening?

A My recollection is that we had a one-night meeting and we had two day meetings.

Q Now, was each one of these meetings open to the public?

A Oh, yes.

Q All three meetings were held at the same place?

A The same place, generally, but a different place, specifically. They were all held at the Nassau Community College, but in different facilities on that campus.

Q Of the three meetings, was any one or two of the meetings better attended than the others?

A The night meeting, as usual, was more attended.

It was.

Q Now, with regard to the night meeting, was this a large meeting?

A Yes.

Q Do you recall approximately how many people were present?

A Oh, I would think there had to be 400 or 500 people in that room.

Q And could you describe for the Court what took place during that meeting?

MR. JASPAN: If your Honor please, some of the questions were allowed and some were objected to. There were a lot of people there. And some of them were angry.

THE COURT: Do we have to go over this again? We have gone through this meeting now five or six times. It doesn't make any difference. I assume he might add one more person or subtract one more person. I don't know. Or he may have a little less or a little more screaming. I really don't know that, either. But we know they had a meeting, and we know they had problems at the meeting.

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MS. THOMPSON: Probably we have had only one reference to this particular meeting.

THE COURT: All right. I don't want to be accused of not permitting you to place it in evidence. Go ahead.

MS. THOMPSON: It will be very short.

BY MS. THOMPSON:

Q You chaired this meeting, did you not?

A Yes.

Q Did you have any difficulty in maintaining order at the meeting?

A Yes, I did.

MR. JASPAN: I object. It is not material. They might have objected to a library.

THE COURT: Yes. You see, that is one of the problems, as to these meetings. It could be that they became unruly for a number of reasons, and nothing really to do with what the format was to be that night. And that is true of many, many meetings. I have gone to American Legion meetings -- I have done that many times --

A "Without any question the strongest opposition was to low and middle income housing and in particular to the construction of an eight building 1200 unit complex south of Hempstead Turnpike. Some public leaders and individuals express vigorous opposition to development of this scale within that area. They strongly protest it on the basis of what it would do to the tax rates, school system, and social structure of their community.

An answering statement was made by representatives of the NAACP and Nassau Council of Churches. They urged a reasonable consideration of a clearly recognizable need for low and middle income housing in Nassau County and with a suggestion of why not at Mitchell Field."

Q In writing the statement which you just read were you basing your statements at what occurred at the public meetings which you referred to?

A Yes.

Q Now, during those meetings with the representatives from the NAACP and the Nassau Council of Churches, when they made their statements, were those statements interrupted by people in the audience.

MR. JASPAN: Your Honor, that is the same again of what happened and what the people did.

THE COURT: Yes. He has answered that

several times.

A Yes.

Q In your statement from which you just read when you spoke of:

"...they strongly protested on the basis of what it would do to the tax rates, school system and social structure of their community..." What do you mean when you referred to the "social structure of their community"?

MR. JASPAN: If your Honor please, what the question implies is the witness should state what other people said at the meeting. That was ruled out once before.

THE COURT: Yes.

Q Mr. Sweeney, did you have a particular understanding of what people meant when they referred to the social structure of their community.

MR. JASPAN: That is asking a question in another way.

THE COURT: Yes. That's a bad question.

Q During the public hearings which were held when people protested on the basis of what housing would do the social structure of their community, did you understand what they were talking about.

MR. JASPAN: Your Honor has ruled three

times now on this question.

THE COURT: I don't even understand the question. Did he understand what they were talking about? That doesn't make sense.

MR. JASPAN: If your Honor please, if counsel is trying to get the witness to say that some people said they didn't want blacks in the community, and I do not say that that was said, it wouldn't be binding on the county. It would be no proof that anything we are doing here is motivated --

THE COURT: Why don't you ask a direct question. Why do you have to go through this business, although I am not stopping it.

Q Did the people at the hearing say they objected to housing at Mitchell Field?

A Yes.

THE COURT: That's all.

Q What reasons did they give?

THE COURT: That you can't do. The reasons aren't material.

Did anyone say anything that you can recall with reference to the type housing they objected to? Any statement that you heard from

anyone?

THE WITNESS: No, not specifically.

THE COURT: That's the question and there is no objection. You are not asking for the operation of his mind.

BY MRS. THOMPSON:

Q Let me again direct your attention to the public hearing and to the report which you wrote thereafter.

On the basis of the public hearings did the Mitchell Field Development Corp. change any of its recommendations with regard to that phase of the development at Mitchell Field?

A Yes we did.

Q And what changes did you make?

A We indicated that the construction of the hotel and the three office structures near the Coliseum, and the office structures on Stewart Avenue should commence immediately, and that we planned -- should commence within nine months rather --- and we hoped for completion by early 1971 of those facilities.

We also made the recommendation at this point that height be limited to 100 feet to coincide with the zoning of the Town of Hempstead, and that we continue the study of the several other matters that had been part

of the total phase one construction including the housing question.

I might explain where our position was at that time. As we had indicated in our report we had a phase one and what was included in the phase one was listed in the report. This subsequent report lists the priorities that we were trying to give within phase one. So that we felt that the construction of those commercial facilities in phase one should be undertaken first before we got into the other.

Q Did you establish the priorities on the basis of the opposition to housing which had been voiced at the public hearings?

A That was certainly part of it.

Q Now, after the July, 1969 report was issued what steps did the Mitchell Field Development Corp. take to implement those recommendations?

A Well, this report was sent to the County Executive and the members of the Board of Supervisors.

It was a direct recommendation to them for this action. None of it was ever accepted or approved, I should say.

Q Do you know whether it was formally proposed to the Board of Supervisors?

A This was sent to them, yes.

Q Did there come a time when the Mitchell Field Development Corp. was dissolved?

A Yes.

Q When was it dissolved?

A I think in the Spring of 1971 if my memory serves me well.

Q And did the Mitchell Field Development Corp. itself come to the conclusion that it should dissolve?

A No. We were requested to dissolve by the Incumbent County Executive, Ralph Caso at that time indicating that it was his intention that planning and development of Mitchell Field should be taken over directly by the county. Faced with that, and that being our only responsibility, that was our only route to take.

Q At the time the corporation was going through dissolution did you yourself meet with any particular members of the County Administration who would be taking over the corporation functions?

A Oh, yes.

Q With whom did you meet?

A James Wells, whose Commission of Commerce and Industry; Fred Schroeder who is the individual assigned the responsibility of Mitchell Field specifically under

Jim Wells, and a number of other people that they had with them whose names I don't recall.

Q During the transition period did you have any occasion to meet with then County Executive Elect Caso to bring him up-to-date on what the Mitchell Field Development Corp. was doing?

A I don't know if we met specifically for that purpose. But we had several meetings as to how this would occur and how this would work out.

Q Did Mr. Caso make any comments to you with regards to his feelings concerning the work which the Mitchell Field Development Corp. had accomplished?

A Concerning the work?

Q Yes.

A All of the elected officials were laudatory on the work we had done and were pleased with the efforts that the members of the Board of Directors had expended. That was about their feelings.

MRS. THOMPSON: I have no further questions.

(continued on next page)

Otherwise you could have stayed in Nassau.

BY MR. JASPAN:

Q Was there some talk about limiting the development of the Nassau Center to ten percent of the land coverage, thereby maintaining the suburban character?

A There wasn't some talk; that was one of the guiding precepts of the plan that we published.

Q And it was in your July, 1969, report, was it not?

A Well, it's also in the earlier report.

Q So what did you mean by suburban character?

A The openness, the open feeling. Most people feel that if you cover a lot of the ground with building structures, you can't see open space, then you've got the city feeling, whereas if you have open space inbetween, where you've got open area and freedom from movement, you've got a suburban feeling. That was the intention.

Q Isn't it a fact that a lot of the people who lived in the county and in the area wanted a suburban character to their community?

A Absolutely.

Q And isn't that the ground upon which they

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MRS. THOMPSON: Mr. Purcell.

F R A N C I S T. P U R C E L L, called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

DIRECT EXAMINATION

BY MRS. THOMPSON:

Q Mr. Purcell, it's true, is it not, that you are presiding supervisor of the Town of Hempstead?

A Yes, ma'am.

Q Could you describe briefly for the Court, what the role of the presiding supervisor is?

A I would say it would be comparable to perhaps the mayor in any other community. The presiding supervisor's name is a traditional name that's gone with the town for many years, but I would say basically for those who are not familiar with it, it would be similar to a mayor in a city.

Q In your capacity as presiding supervisor, do you preside over meetings of the Town Board?

A Yes.

Q Do you also have a vote on the Town Board?

A Yes.

Q Do any County responsibilities go with the job of being Presiding Supervisor of the Town of Hempstead?

A With the structure of our government in Nassau County,

5 PURCELL - direct

(Question read.)

THE WITNESS: Now, you are asking me if I--

MR. JASPAN: I object to the -- wait a minute, Mr. Purcell. I object to the question. There is no foundation in fact for this question that I can recall.

THE COURT: There is not any proof of that. Better make it more factual if that's so.

BY MRS. THOMPSON:

Q Mr. Purcell, it's true, is it not that in 1970 the Department of Housing and Urban Development indicated to the Housing Authority of the Town of Hempstead that it was concerned with the fact that the town had been building large numbers of senior citizen units and relatively few family units of subsidized housing?

A Well, senior citizen housing is low-income housing.

Q Isn't it true that the Department of Housing and Urban Development told the Town of Hempstead that it was concerned about an imbalance between senior citizen housing and family housing, both low-income housing?

A I think they were indicating that generally nationwide that the housing program was lagging, and I suppose we were part of the recipients of that criticism, but it wasn't

confined specifically to us in the town , because we had been doing quite a few things.

The fact is we have done a great deal more in the town than a lot of other communities did.

But I think their criticism was generally all over the nation.

Q With regard to the program which Mr. Caso made concerning scatter-site housing in the Town of Hempstead, it's true, is it not that Mr. Caso was proposing turnkey housing?

A He was proposing that? Is that your question?

Q Yes, was he proposing that?

A I think it was part of the concept. And I don't know whether it was exactly his idea. I think it was recommendations by the Federal Government that turnkey housing was much easier to build because of the fact that you could get contractors to come in and do it more speedily.

So I think we went into turnkey operations because we recognized that things could be accomplished more -- and it did speed up our program in the senior citizen housing.

Q Could you describe briefly what turnkey housing is?

A Yes, it's a concept, and a good idea that the builders build it and then turn the key essentially over to the town,

rather than the town be involved in the building of it and the supervision.

In other words, when it is ready to be accepted, the town takes it within the framework of its housing authority.

But the basic concept was just one of more convenience than anything else, to move a project more rapidly.

One of the big problems in housing has been the tremendous redtape that's been involved to get it built.

Q And the turnkey program was a low-income housing program, was it not?

A Well, it could be any kind of a program. Turnkey is only a concept, so it could apply to low-income, middle-income housing also, and also, of course, to senior citizens, which I must emphasize is low-income housing.

Q Now, with regard to MR. Caso's scatter-site program, that program focused on low-income housing for families, didn't it?

A I would say that was the basic thrust of it, yes.

Q Now, in terms of the scatter-sites, it's also true, is it not that the sites set forth by Mr. Caso were in areas which were not areas of minority concentration?

A Not areas of minority concentration. I would say that more were not in minority areas than were, yes, but there is an overlapping, and because of the nature of our town,

we have a unique situation in that in many places in a community, there could be a minority concentration and still be a -- and I often wondered about this word "minority", minority of what? Let's get it down to that, minority of what; what do you mena?

Q Specifically, were these in sites and areas which had concentrations of black and Spanish-speaking people?

A Were they or were they not?

Q It's true that --

A Well, I would say once again you don't understand the area. We have concentrations of black people in communities and yet they are white communities, so-- see we have a great deal of mixture of people in our town.

We have 72 percent of the black people in the Town of Hempstead of all of the County of Nassau, so we're well aware -- we're -- our direction of integration has been a great deal better than most other parts of the nation.

In fact, if the whole nation had moved as we had moved in the Town of Hempstead, and specifically in the Town of Hempstead, this nation would be on the right course.

So it's hard to catagorize just what you are saying there.

Q Well, it's true, is it not that the Town of HEMpstead has in its total population less than five percent of its total population black?

A We have 72 percent of the black people of the County in our community, and I would say that we are probably five percent plus or minus of -- of black people, yes.

Q It also is true, is it not, that there are areas of black and Spanish-speaking racial concentration in the Town of Hempstead?

A Yes, within white communities, though. And I think that's important to emphasize that.

Q And --

A The concentration of the black people in certain communities has been of their own choosing and something that they haven't been pushed into because they have their own right to buy those homes in that community.

Interesting to note that 65 percent of the black people in our town own their own homes. So they didn't ghettoize themselves, you know, by force, they ghettoized themselves by choice.

And I think this is important to recognize that.

Q Now, Mr. PUrcell, when you speak of the areas of black concentration within the white community of the town, what areas are you referring to?

10

A I would say that the concentration in Hempstead, Freeport, Roosevelt, Inwood and Uniondale are primarily where the -- and Lakeview, which is part of my community. That's the largest concentration of black people.

Q Now, do you know whether the Caso scatter-site program proposed any sites to be developed in the black areas in any of the communities which you have just described?

A Yes, it did.

Q Let me show you Plaintiff's Exhibit 33 and ask you to identify which of the sites were in areas with black concentration?

A Well, I know that in Mr. Caso's program of 700 units three or four hundred of them were in the Village of Hempstead, over which we had no control. It was an erroneous portion of the report.

But the village of Hempstead would be one of them. The Bellemore one, which is site No. 1. And I think it is one of those which we tried to move head on. I believe that in that particular area that there probably were some black people living there but it certainly wasn't what we would call a black community, it was an integrated community.

In Seaford there is a white community predominantly. The second one in Seaford is also predominantly white.

North Bellemore site No. 4, Site No. 4 would be more catagorized as I put the first one, where there were

some black people, but the first one would have been a predominantly white community.

Site No. 5 would be --

Q Rather than going through all the sites --

A Yes, right.

Q -- can you simply identify those that were in areas of minority concentration?

A Well, you used that statement and you keep repeating it but I don't think that's a proper catagorization of minority concentration. Now, you are talking about black minority, I assume.

Q Black or Spanish-speaking.

A Yes. There is one here in Roosevelt. There is two in Roosevelt which are predominantly black communities.

THE COURT: All right, we will suspend.

(Recess taken. Time noted: 11:40 o'clock a.m.)

(continued next page.)

Q Mr. Purcell, I gather from what you were saying in going through the sites proposed by Mr. Caso for his scatter-type program that the sites were all to be in areas which were predominantly white, or in areas of racial integration; would that be correct?

A You will have to say that again, Lois. I don't get the point you are making. Would you give me the list back again, please.

Q I'm simply asking --

A I don't quite get the point you are trying to make. Say that again.

Q What I am trying to do is determine whether all of the sites are in areas which are either predominantly white or in integrated neighborhoods?

A Well, this is all we have in the town, either predominantly white, or integrated, so the answer would be yes.

Q Fine. Are you aware of the fact that in the early part of 1971, the town Housing Authority sought to move forward with the proposal concerning the North Belmore site?

A Very much aware of it.

Q Did you in fact attend the meeting which was held in North Belmore to inform the community about the proposal.

A No, I did not.

Q How did you become aware of the effort to move

forward with the proposal?

A I would hope that I would know what the Housing Authority is doing. I think that would be the answer.

Q Did you meet with representatives of the Housing Authority after that meeting?

A After the meeting? With representatives of the Housing Authority, after the meeting? Probably did, yes. I -- I would say that we did talk generally about policy, so the answer would probably be yes.

Q Did members of the Housing Authority inform you of the opposition which the proposal received at the meeting?

A They didn't have to inform me. In all my years as a political leader and as an elected official, no subject ever caused as quick a reaction in a community as that particular subject did.

Q When you talk about as quick a reaction --

A Right.

Q (continuing) -- did you personally become aware of that reaction?

A Certainly.

Q How did you become aware of it?

A By my Executive Assistant, Mr. Kraus, who told me that the mail was pouring in on this particular subject.

Now, I don't read every letter, but in this particular

case I did read every letter.

Q And were those letters letters in opposition to the proposal?

A 99 and one-half percent opposition to it.

Q Now, after receiving those letters, and after the town Housing Authority conducted the meeting, did you attend any meetings with representatives of the Housing Authority at which you discussed policy concerning Mr. Caso's scatter-site proposal?

A I believe I did, yes.

Q And it's true, is it not, that shortly thereafter the scatter-site proposal was dead?

A I never believed in the concept in the first place.

Q What I'm asking you, though, is something else: Is it true that shortly thereafter the scatter-site proposal was abandoned?

A I would say yes, it was.

Q Were there any other attempts of which you are aware by the town of Hempstead Housing Authority to go ahead with the scatter-site proposal, other than in the North Belmore area?

A I would say that there were some rumors around town that this was going to go into other areas. It became known that down in the Woodmere area that there were some thoughts

of going down there. And I attended a meeting down there at which there was a large turnout of people who were opposed to the scatter-site type of housing.

Q And it's true, is it not, that at that meeting you assured the Woodmere residents that there would not be any scatter-site public housing placed in their neighborhood?

A I did. As long as I was in office.

Q Then, would it be true that after one attempt to go forward with the ten-unit site in North Belmore, the whole 700-units plan was abandoned?

A Well, number one, the whole 700 --

Q First answer my question.

A Yes.

Q Okay.

A Well, I will answer the question, but let's -- you know, let's keep the facts straight. The whole 700 were not in the control of the town of Hempstead. I think that point should be very, very importantly made. Because several hundred of the units were in the village of Hempstead, over which we have no control and no jurisdiction.

This was one of the points that I pointed -- I pointed this out to Mr. Caso in the original release, but the release had gone out already. But there were several hundred of the units that were in the village of Hempstead, and not in the

town of Hempstead, or under my control, or the town board's control.

Now, what was your question? I'll answer it.

Q Would it be true, though, that after the attempt to go forward with the ten units at North Belmore, the town of Hempstead abandoned the program, at least so much of that program as was under its control?

A I would say yes.

Q You indicated a moment ago that you had never been a proponent of the scatter-site program, is that correct?

A No, that's right.

Q Did you actually oppose that program?

A If anybody asked me about it, I told them I did not believe in the concept. And if you want me to go into the reasons, why, I'll be glad to.

Q And why did you oppose the concept?

A Well, number one, the -- the whole concept of low-income housing in this country has been a national calamity. And the people have become more and more aware of it as time has gone on, because of the tax abatements that had to be given to make these kind of projects feasible.

Now, in the early days of the low-income housing, the people didn't understand -- and a lot of elected officials didn't understand this; and I found this out on June 12 when

I went to Washington, that the people in Washington didn't understand either the tremendous tax relief that had to be given in order to make low-income housing.

So the people in the community were becoming more and more knowledgeable about it. And they recognized that the -- in order to make it work, the tax abatements must be given, and this is why there has been such great resistence to it, not only in the town of Hempstead, but nationwide.

Q It's true, is it not, that the senior citizens housing which has been constructed by the town of Hempstead, and which is now being pursued by the town of Hempstead, requires tax abatements?

A Yes, it does.

Q And it's true, is it not, that senior citizens generate garbage, require water, use sewers?

A Yes, they do, but you -- but let's go a little bit further, though.

Q First, let me ask you a question.

A Okay.

Q It's true, is it not, that those municipal services have to be paid for by taxes?

A Yes, they do.

It is also true, though, that they --

Q You have no question.

MR. JASPAN: I think she has interrupted. He was trying to explain it.

THE COURT: You can ask him later.

MR. JASPAN: All right, I'll ask it. It's obvious she is trying to avoid an answer.

MRS. THOMPSON: I am only trying to get answers to the questions I'm asking.

THE COURT: That's all. And to that, she's entitled.

Q And there came a time during your administration in the town of Hempstead in 1971, did there not, when you learned that the Department of Housing and Urban Development would not finance 250 units of senior citizen housing at Mitchell Field unless the town of Hempstead agreed to the construction of low-income housing for families; is that correct?

A Say that again.

MRS. THOMPSON: Could you read it back, please?

(Last question read.)

THE WITNESS: Yes.

Q And it's true, is it not, that you opposed the construction of low-income housing for families?

A In projects, yes.

Q And it's true, is it not, that the Department of Housing & Urban Development informed you that they were concerned that family housing be constructed because otherwise they felt that they would be in violation of the civil rights act of 1968?

A I don't know why they were afraid of it. I -- I have no reason to know why they were afraid of it. They were afraid to make decisions. That's one of their problems.

Q It's true, is it not, that the senior citizens housing in the town of Hempstead is resided in primarily by white people?

A Yes.

Q And there is some low-income housing for families in the town of Hempstead, is there not?

A Yes.

Q And that's housing which is located in Inwood, is that correct?

A Also in Hempstead, Rockville Center.

Q Excuse me. Right now I am talking about the housing under the jurisdiction of the town of Hempstead.

A Well, it's under our jurisdiction in that there are tax abatements, which we must give as a town and a county, and sitting on the Board of Supervisors, we have to give tax abatement both as a County and a Town, so in that respect it does

affect us in -- in the town of Hempstead and the County of Nassau.

Q Is that housing which is constructed by the town of Hempstead, Housing Authority?

A No.

Q Now, as to housing which is constructed by the town of Hempstead Housing Authority, there were or there are approximately 100 units of family Housing Authority housing, are there not?

A Yes.

Q And it's true, is it not, that that housing is predominately occupied by black persons?

A Yes.

Q And did not the Department of Housing & Urban Development tell you that it wished to see the town of Hempstead construct more family housing for low-income persons, because it was concerned that the town of Hempstead provide more housing for black persons?

MR. JASPAN: If your Honor pleases, that wasn't the testimony of the witness. The testimony of Mr. Green was that they were looking for more houses in areas which were not racially impacted.

THE COURT: That seemed to be the testimony.

MRS. THOMPSON: We'll come back to that.

Q Did Mr. Green tell you that he was concerned about having family housing constructed in areas which were not racially impacted?

A My communications with Mr. Green were very minimal because he was running away from the responsibilities of his office to make decisions, and I -- I would say that our correspondence and meetings were very minimal.

Q Well, isn't it a fact that Mr. Green had made a decision, a decision not to fund further senior citizen housing for the town of Hempstead?

A I assume that he made the decision, yes.

Q Now, although you've indicated that your communications with Mr. Green were minimal, in the course of those communications, did Mr. Green, or anyone acting on his behalf, inform you that the Department of Housing and Urban Development was concerned that family housing in the town of Hempstead be built outside areas of minority concentration.

A I think they indicated that they would like them to be outside of areas of -- of minority locations, yes.

Q And is it true that Inwood is an area of minority concentration? Is it not?

A No, it is not. No, no, it is not. Inwood is a 70 percent white community.

Q So in other words, Inwood would also be a 30 percent minority community?

A Well, what do you mean by minority? I mean, you know what -- Who is the minority, what are we aiming at here? You seem to be inflecting that -- that there is a -- something about the black people here. I think you're entirely wrong in your observation.

We have minorities of many groups within the framework of our town: Ukranians, Slavs, Armenians.

Q You mentioned --

A They are minority groups, too.

Q Mr. Purcell, you indicated a moment ago that you went to Washington on June 12, 1972?

A Yes, ma'am.

Q Do you recall testifying before the House Banking and Currency Committee at that time?

A Yes, yes, ma'am. June 12th.

Q Do you recall telling the House Banking and Currency Committee that Inwood is 30 percent black?

A I said it was 30 percent black just now. There's no denying the fact.

But it's 70 percent white, so it's not a predominantly black community, and I think we should make that very clear.

Q During the time when, or at the time when you

were informed by the Department of Housing and Urban Development that it would not finance the 250 units of senior citizen housing at Mitchell Field unless housing was constructed for families outside areas of minority concentration, you wrote a series of letters to then Secretary of HUD Romney, did you not?

A Yes.

Q And did you request Mr. Romney to try and get you funding for the 250 units of senior citizen housing at Mitchell Field?

A Yes, we did.

Q And it's true, is it not, that Mr. Romney supported Mr. Green's position?

A Well, I would hope that he would. He was evidentally setting the policy. But I think we were trying to get the message over to him that he was wrong. And I think Mr. Romney, when he quit, in the New York Times on April 27th of last year -- of this year, he said it was a hundred billion dollar catastrope in this country, he was right. And Mr. Romney recognized that the Housing Program as it's constituted today in this country is not going to work, and it's become very evident that it's not going to work.

Q Now --

A We were telling him he was wrong, and I think he was beginning to listen.

Q Mr. Purcell, excuse me.

A Yes, ma'am.

Q Will you just answer my questions?

A Okay.

Q Now, it's true, is it not, that when, after Mr. Romney backed up Mr. Green's position, you sought to put some political pressure on HUD to try and get that decision changed --

MR. HYMAN: Objection, your Honor. I object to the word "political."

(continued on next page.)

Notes fl

DIRECT EXAMINATION

BY MRS. THOMPSON: (Cont.)

Q It's true, is it not, that shortly after Mr. Romney backed up Mr. Green's position a committee of Congress held hearings in the Town of Hempstead on senior citizen housing?

A Yes.

Q Did you testify at those hearing?

A I believe that I did.

Q And Mr. Green, of course, testified at those hearings?

A I think that he did, yes.

Q And it is true, is it not that shortly after those hearings a compromise was worked out between the Town of Hempstead and HUD?

A Yes, because they were beginning to listen to me and that's the reason. And because of the facts that I pointed --

Q Excuse me, could you just answer my questions.

MR. JASPAN: If your Honor please, she is asking questions, he has a right to finish.

She only wants to hear what she wants to hear what she wants to hear.

THE COURT: Well, isn't everybody the same?

MR. JASPAN: Yes, but we are not allowed to do that.

THE COURT: All right, go head.

THE WITNESS: The answer to the question is: Because of the hearings and because of the hearing on June 12th in Washington, there were members of that committee who told me that they never understood really just what it was all about, and some of our congressmen -- Mr. Javits sent a representative to see me and Mr. Buckley sent representatives to see me and they frankly admitted that they didn't understand just what the whole housing picture was in this community, and we have focused on a problem which has been very prevalent throughout the nation.

And we showed to them how it does not work in a community such as hours.

So that's why we had the results and we did work out an agreement, yes.

BY MRS. THOMPSON:

Q When you say that low-income housing didn't work in a community like yours, what do you mean?

A The answer is that when you take those tremendous tax abatements off them and the person down the street has to pick up the tax bill for the person who is living on his

block for nothing, this is when the people rise up in arms.

And they are beginning to understand this. And this is what is wrong with the whole system.

I am not opposed to low-income housing and I never have been. And I have never been opposed to the black people coming in, because we have black people in our community. But when it is done at the expense of other people then somebody's got to stand up and be counted.

Q Now, Mr. Purcell, you have just said that you don't believe in low-income housing because of the tax abatement.

MR. JASPAN: He didn't say that, he said he believes in low-income housing.

THE WITNESS: I didn't say that at all.

THE COURT: Just a moment.

You were listening to Mr. Bellman whispering in your ear, but you weren't listening to him. He didn't say that at all. That's not what he said.

All right.

BY MRS. THOMPSON:

Q Mr. Purcell, it was my understanding that you said you oppose low-income housing under the present program because of the tax abatement.

MR. JASPAN: No, he said the program is not working.

THE COURT: Let him answer. If he didn't say it he can say so.

BY MRS. THOMPSON:

Q Is that not your position?

A The program is not working. I am opposed to it under the present setup, yes. And it is not going to be -- and I made a statement and it is in the record -- it will not be sold under the present circumstances because the public is becoming more knowledgeable and recognizes what it's doing to the total community.

Q Are you aware of whether there is any Section 236 in the Town of Hempstead?

A 236 in the Town? There is very possibly some within the framework of the town, yes.

Q Do you know whether 236 housing requires tax abatement?

A Yes, it does for a period of time until adjustments can be made. Yes.

Q Now, you indicated earlier that you believed that when HUD approached the Town of Hempstead in 1970 with regard to the ratio between family housing and senior citizen housing that that was part of a nationwide concern

on the behalf of the Department of Housing and Urban Development; am I stating your position correctly?

A Yes, I think so.

Q At the time when HUD informed you that it would not finance 250 additional units of senior citizens housing on Mitchell Field, are you aware of the fact whether HUD informed any other communities that it would not fund their --

MR. HYMAN: Objection, your Honor, not relevant to the issue.

Q -- senior citizens housing?

THE COURT: Sustained.

Q Mr. Purcell, there did come a time when the Town of Hempstead lost its reservation for the 250 units of senior citizen housing, did there not?

A I guess you might catagorize it that way, yes.

Q Do you know whether that reservation was given to the Town of Oyster Bay?

A I am not aware of it.

Q You were referring earlier to the tax abatements needed for low-income housing.

Are you aware of the fact that Mr. Green took the position when he testified before the Committees to which you have just been referring that the Town of Hempstead had

shown a willingness to grant tax abatement for family housing when it was in areas of minority concentration?

A That's -- no.

MR. JASPAN: If your Honor please, she's asking this witness who was not present in the courtroom as to the testimony of Mr. Green on a prior occasion.

I don't think that that's appropriate.

THE WITNESS: And the answer is, it isn't true.

Q What I was asking you was whether you were aware of it?

A Of Mr. Green's testimony?

Q Yes.

A No, I am not aware of Mr. Green's testimony.

Q Now, as you indicated earlier there did come a time when the Department of Housing and Urban Development in the town of Hempstead entered into an agreement which would have permitted the construction of 250 units of housing at Mitchell Field?

A Right.

Q And it also involved an agreement by the Town of Hempstead to construct 75 units of family housing, didn't it?

A Right.

Q Do you know where those 75 units will be constructed?

A Do I know exactly?

Q Yes.

A No. If they don't get around to giving us the money for it soon there won't be any land left to put it anyplace. And the longer they wait the worse it's getting. So I couldn't tell you where it's going to be because we don't control the land until we get the money.

Q Mr. PUrcell, it's true, is it not that a site has been set aside for the 250 units of senior citizen housing?

A Yes.

Q It's true, is it not, that 25 of the 75 units of family housing are going to go into Inwood?

A Well, this has not been firmed up at all because it's very possible that even the Inwood property could disappear before the money comes through.

But I would say that 25 of them going into Inwood would make good sense.

Q Now, as to the other fifty units, is it your testimony that at this point you have no idea where those fifty units will go?

A YEs, that's right.

Q And it would also be correct that before entering into the compromise with you, HUD did not require you to tell them where the fifty units --

A No.

Q -- would go?

A No, they did not. No.

We haven't gotten that money yet.

Q If you did have the money today, where would the fifty units go?

MR. JASPAN: I object, if your Honor please.

THE COURT: Sustained.

BY MRS. THOMPSON:

Q Mr. Purcell, is it not the normal procedure in applying for money from HUD to go to HUD with sites and then ask for the money?

A Is it normal? If you are going to go into a project, yes. Yes. But for single and separate ownership you wouldn't have to do that.

And I think then that we have the intent that we would move ahead with it because this is a program that I have been advocating from the very beginning, to give to people -- and I use the words very broadly, minority groups, because I don't like the word minority groups -- but to give as you catagorize minority groups a chance to own a home of

their own.

This sticking people in ghetto-type outfits and projects puts them there for life. If they own their own home with Federal help they will some day then own the home all by themselves.

And this is the way we are going to move ahead with housing in this community.

Q Are you saying then in terms of the 50 units outside of Inwood that it's your intention to purchase existing one-family units?

A No, no, that's not the project at all.

Q Then, what is the project?

A The project is to build them, not purchase them. Build them. And there is no -- no reason to catagorize necessarily that the 25 will for sure go into Inwood.

Q Now the original scatter-site proposal referred to 700 units of housing?

A Right.

Q And even assuming that a few hundred of them would be in the Village of Hempstead, it would have left three or four hundred in the Town of Hempstead?

A Right.

Q Would that be correct?

A That's right.

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Q And now the Department of Housing and Urban Development has agreed to letting the 250 units of housing be constructed along with 75 units of family housing; isn't that correct?

A We haven't gotten the money yet. I don't believe anything until we get the money.

Q You do at this time have a reservation for that money, do you not?

A Who has a reservation?

Q The Town of Hempstead Housing Authority.

A Has a -- we are hoping it will come through.

Q Wouldn't you say that the Town of Hempstead has gotten off fairly easily in being allowed to reduce its commitment for family housing.

THE COURT: Sustained, sustained, sustained.

MRS. THOMPSON: Let me finish it.

Q -- from 700 to 75?

THE COURT: You don't have to answer it.

MR. JASPAN: You don't answer it.

Q Again, you indicated earlier that you had gone before the House Committee on --

A The Central Banking and Finance Committee.

Q The House Banking and Currency Committee --

A Right.

Q -- with regard to the controvery between HUD and the Town of Hempstead concerning tax abatement.

A Not specifically, no. I went down to try to explain to them what the problems were when you get down to the level that we're at. That's why I went down. It wasn't because of our controvery between HUD and myself.

And I think you should understand that Mr. Green and I sat next to each other in the State Assembly and I know Mr. Green very well from the standpoint of his ability.

But I didn't go down there criticizing, I went down there to try and show them what's wrong with the program, and I think I was very effective.

Q Now, you were indicating before that unless you were able to move quickly with the program to construct the 250 and 75 units of housing that you will not have any sites to construct that housing, the fifty units; is that correct?

A We have -- we have very little land left in the Town of Hempstead. That's one of our problems, we're the most densely populated town in the country.

Q How much vacant land is vacant in the Town of Hempstead?

A I would say probably between four and a half and five percent of the land is left.

Q And in that figure, are you including the vacant land at Mitchell Field?

A Vacant land at Mitchell Filed? Yes, if you want to include 130 acres, yes.

Q Are there only 130 acres at Mitchell Field which have not been built upon?

A I would say 129 or 130 acres which have not been comitted for and then when you take off the roads and put in the sewers and things like that -- that's why this whole thing to me is one of the biggest farces I have ever heard of because we're talking abut some little property in the final analysis that it's almost ludicrous to waste everybody's time on it.

The whole Mitchell Field thing --

Q Mr. Purcell, there is no question before you.

A Yes, okay.

Q It's true, is it not, then, when you first wrote to Mr. Green to protest his decision to withhold funds for the 250 units of senior citizen housing at Mitchell Field, one of the things which you pointed out to him was that the land at Mitchell Field which had been set aside for the proposed senior citizen housing was relatively cheap land?

A We could get it at a price which would be reasonably good, yes.

Q Do you recall telling Mr. Green in your letter that you would be able to get that land at $30,000 an acre?

A Plus interest, yes.

Q And do you recall telling him that other sites elsewhere in the Town of Hempstead for which the Department of Housing and Urban Development had approved funding had cost the Town of Hempstead as much as a hundred thousand dollars an acre?

A That's right.

Q And from whom was the Town of Hempstead planning to buy that land at Mitchell Field?

A The County of Nassau.

Q It was the County of Nassau which would be agreeing to sell it for $30,000 an acre?

A Yes.

Q Now, you referred to land at Mitchell Field being committed.

Are you aware of the uses which the presently vacant land at Mitchell Field is to be put to?

A I think that as far as the County is concerned, I am as knowledgeable about it as anybody else in the County.

Q And what are those uses?

A Well, first of all Mitchell Field was --

MR. JASPAN: If your Honor pleases.

THE COURT: We don't --

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MR. JASPAN: We have been through this many times.

THE COURT: Do we have to go through this?

MR. JASPAN: And to test his knowledge of what's going on in the County, it would serve no purpose.

THE COURT: I don't see any purpose to it. We have had every politician in Nassau County come in and tell us what they are going to do with Mitchell Field.

I already know what they are going to do with it. It's only a question of whether they're going to put some low-cost housing there.

MR. JASPAN: If we added up all the identities of those who testified, we would need 15 Mitchell Fields to accommodate the educational, cultural and civic needs alone.

BY MRS. THOMPSON:

Q Mr. Purcell, it's true, is it not, that plans for Mitchell Field include the development of commercial office and some industrial space?

A I would hope so.

Q And it is true, is it not,that all those uses

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will generate ratables for the communities?

A I certainly hope so.

Q It's also true, is it not, that you were instrumental in arranging for the community of East Meadow to have at least fifty acres of ratables in the section of Mitchell Field which is located in East Meadow?

MR. JASPAN: If your Honor please, there is no proof that he arranged anything.

This is county property and Mr. Purcell is not the County Executive.

THE COURT: Well, let him answer it.

MR. JASPAN: Let him answer it.

THE WITNESS: Well, you give me a lot of credit for things which I wasn't so much aware that I arranged or anything.

I think it's --

THE COURT: Yes or no; or we're going to be here for a long time.

THE WITNESS: All right.

THE COURT: Just make it yes or no. If you didn't do it --

THE WITNESS: No, I didn't do it. I mean I wish that I had that much authority. We would start building --

* * *

tax benefits to the Town of Hempstead.

Q Mr. Purcell, when Mr. Caso testified here, he stated that it was his position that family housing is inappropriate at Mitchell Field. Do you subscribe to that position?

A I don't think it's the place for family housing, no.

Q Mr. Purcell, would you oppose attempts to place family housing at Mitchell Field?

MR. JASPAN: I object, if your Honor please.

THE COURT: Sustained.

MRS. THOMPSON: I have no further questions.

THE COURT: All right, you may examine.

(Continued on next page.)

* * *

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HENRY C. K. LIU, called as a witness, having previously been duly sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MRS. THOMPSON:

Q Mr. Liu, do you recall testifying in this matter of June 25, 1973?

A I didn't understand that.

Q Do you recall testifying in this matter on June 25, 1973?

A Yes.

Q Do you recall being asked the following question and giving the following answer -- this is from page 621 of the transcript:

"Question: It is true, is it not," -- this is a question -- "that when you referred to the plans for housing at Mitchel Field something occurred at the meeting?

"Answer: Yes, there was discussion about that and the County Executive said he made a decision that there would be no housing at Mitchel Field, and he explained that the reason he made this decision was because Mitchel field is surrounded by housing, and

he thought that the land at Mitchel Field can be used for other purposes, and that he felt that the County needs it for such as cultural, recreationaly and commercial purposes."

Do you recall being asked that question and you giving that answer?

A Yes.

Q Do you recall when your deposition was taken in this matter on May 18, 1973?

A Yes.

Q And do you recall being asked the following question and giving the following answer:

"Question: Has Mr. Caso indicated to you why he has taken a position, the position that there should be no housing at Mitchel Field?

"Answer; Yes.

"Question: What reason has Mr. Caso given?

"Answer: He said that the people do not want it."

Do you recall being asked those questions and giving those answers?

A Yes.

Q Could you explain to the Court why when you were first asked why Mr. Caso opposed housing at Mitchel

Field, at trial your answer was different from when you were first asked why Mr. Caso opposed housing at Mitchel Field -- between then and when your deposition was taken?

A Well, in my opinion they are not different because if you read the rest of my deposition I gave substantially the same reason why the County Executive did not want housing. And then subsequently you asked me what my reaction was to that, and I then said it was, in my opinion, a reasonable position.

Q Between the time when your deposition was taken on May 18, 1973 and when you testified in court did you discuss this case with Mr. Jaspan?

A I suppose so -- well, let's say yes.

Q Since the time that you testified here on June 15, 1973, your contract to do work for the County of Nassau was approved, was it not?

MR. JASPAN: If your Honor please, I object to that. The record shows that the bond ordinance was approved in April and he had a continuing arrangement, and the implication that they seek to create we dealt with in our papers on this particular motion.

THE COURT: Yes, there was a motion on this particular matter. I have had that.

BY MRS. THOMPSON:

Q Mr. Liu, are you presently under contract with Nassau County?

A Yes.

Q How much money are you to receive?

MR. JASPAN: Your Honor, I object to this line of questioning.

THE COURT: It is $75,000. It's in the papers that were submitted.

MR. JASPAN: That was the basis for bringing him back and examining him theoretically as a hostile witness.

THE COURT: That is why we brought him back.

MRS. THOMPSON. I have no further questions.

Q Mr. Liu, just one more question. When I was reading to you from your deposition do you recall that that deposition referred to your meeting with Mr. Caso in March of 1971?

A Yes.

MRS. THOMPSON: I have no further questions.

MR. JASPAN: I just want to ask one question.

CROSS EXAMINATION

BY MR. JASPAN:

Q Mr. Liu, you were asked whether you talked

about this case with me. You said you thought you did.

Did I or anybody in my office tell you not to tell the truth in giving your answers to these matters?

A No, quite the contrary. You told me to tell what I know to be the truth.

MR. JASPAN: That is all.

THE COURT: All right, step down.

Next witness.

(Witness excused)

MR. BELLMAN: Mr. Tolischus.

P E T E R M A R T I N T O L I S C H U S, called as a witness, having been first duly sworn by the Clerk of the Court, testified as follows.

THE CLERK: Could you please give us your name.

THE WITNESS: Peter Martin Tolischus, T-o-l-i-s-c-h-u-s.

THE COURT: All right, be seated.

DIRECT EXAMINATION

BY MR. BELLMAN:

MR. BELLMAN: Your Honor, in order to expedite this testimony the parties have agreed to submit into evidence two depositions taken

of officials from the General Services Administration, the deposition of Robert G. Bogardus and Martin C. Markowitz.

MR. JASPAN: If your Honor please, I just want to correct the statement. Our discussion was with respect to Markowitz. I never heard anything before about the testimony of Mr. Bogardus. I may not have had any objection if you had alerted me and I took a look at that.

MR. BELLMAN: I did have that agreement with counsel for the Government, and the testimony only has relation to GSA.

THE COURT: All right.

MR. JASPAN: All right, I am assured by the Government that --

MR. HYMAN: Don't repeat it.

THE COURT: All right, you accede to the stipulation without conceding the truth as far as your client is concerned.

MR. BELLMAN: And the stipulation, your Honor, as I understand it, is that the deposition will be used as though it is testimony given in court and will be used as evidence here.

MR. JASPAN: Without in any way conceding

when I first came on, and under a prospectus that came back from Washington that they had drawn up based on the prior matter submitted from the Operational Planning staff.

Q Prospectus?

A Yes, sir; a proposed prospectus.

Q Will you explain to the Court what that is.

A To the best of my knowledge, the prospectus is the cost and justification, and the proposed future manpower or employees that will be in a federal building.

Q It came back to your office from Washington?

A Yes.

Q Was it approved, or what was the status of the proposed office building when it came to your office?

A It was referred back to us. They had drawn up a new prospectus.

Q Who is "they"?

A This would be the Office of Operational Planning.

Q What precisely is the status today with respect to the proposed federal office building in terms of -- well, just the status of it as you understand it.

A To the best of my knowledge the proposed prospectus has been submitted to the office of Management and Budget.

Q Now, that is a different agency than GSA; is that correct?

A The Office of Management and Budget is a separate governmental agency which reviews, I believe, all proposals-- Well, the federal budget, among other things.

Q Does that mean it has been approved at GSA, the prospectus, and has now gone over for approval at the next level?

A I believe that is correct.

Q And if the Office of Management and Budget approved it, it would then go before Congress for an expenditure of funds, or how would it work?

A It would go to the Committee on Public Works in Congress.

Q What does the prospectus -- what kind of information does the prospectus include?

A It is -- I believe you asked that earlier -- it is an estimate that is made on the constructions costs, and the justification for the building is listed, and a housing plan is included, which shows the number of people that are expected to be housed in the building.

Q And the determination to build the federal office building at Mitchel Field, did that come from GSA or from other agencies that would be housed there?

A We request the space demands from the federal agency which we are responsible for housing. A determination is then made by GSA to proceed or house them through new

construction.

Q Are we then at the point where GSA has concluded there is a need for a federal office building?

MR. HYMAN: Objection, your Honor. He is leading the witness.

THE COURT: Go ahead.

THE WITNESS: Could you repeat that, please.

Q Are we at the point where GSA has made a determination that there is a need for a federal office building at Mitchel Field?

A Well, a prospectus has been proposed, and it has been submitted by GSA to the OMP -- office of Management --

Q In other words, the prospectus has been approved by the director of Region 2 or the administrator of Region 2.

MR. HYMAN: Objection again.

Q Has the prospectus been approved by the administrator for Region 2?

A I am not sure. You see, in my time with the government I have not followed through on a prospectus from, you know, development all the way up through Washington. I don't know for sure who are all the signatories on the way up the ladder.

Q But to your knowledge the prospectus has been

approved by GSA?

A I believe it has, in order to be submitted to OMB.

Q Now, what action has been taken at this time with respect to the HUD-GSA Agreement?

A A meeting was held with HUD in January --

Q Let me go back a moment.

Will you explain to the Court what the HUD-GSA agreement is?

A The HUD-GSA memorandum of understanding was drawn up between Mr. Kunzig, who was the administrator, and Mr. Romney, who was the then Secretary of the Department of Housing and Urban Development, and it was to provide procedures by which HUD would make a determination on a GSA project if low- and moderate-income housing is available for a specific site.

It is a rather lengthy agreement.

There are many other elements to it.

Q This was signed in 1971; is that correct?

A I believe so.

MR. BELLMAN: Your Honor, it is a matter of public record that appears, I believe, in the Federal Register, but it might facilitate -- it might be helpful to the Court if I simply provided a copy for the Court's use.

I do not believe we have to have it as an

would be developed by which we would get the information on the employees.

Q What type of information?

A What is known as salary structure, GS grades.

Q You being GSA, then this information would be turned over to HUD?

A That is correct. When all the returns are in from the various agencies.

Q What is HUD supposed to do after the information is then in?

A HUD then would make an evaluation based on the grade structures -- well, I shouldn't say that -- within their procedures and inform us as to the suitability of the site in terms of low and moderate income housing.

Q Are you in charge now of -- What precisely is your responsibility with respect to the HUD-GSA agreement?

A Our responsibility would be --

Q Yours. Yours personally.

A -- would be to provide HUD with the information on the employees and the site.

Q You simply are to transfer information? That is your sole responsibility?

A Well, if anything further occurs, I believe we would be involved, too.

Q When you use the term "we," that is you personally?

A Our staff. I have a staff.

Q And you work under Mr. Bogardus; is that correct?

A Yes, that is correct.

Q It is true, is it not, that Mr. Bogardus has primary responsibility in this region with respect to the implementation of the HUD-GSA understanding; is that correct?

A If I recall correctly, reading the memorandum of understanding, I think it indicates the Commissioner of Public Building Service, but there are also references in there to the Commissioner of PBS in Washington.

Q I see. So at least in Region 2 with respect to this office building Mr. Bogardus has a primary responsibility with respect to the HUD-GSA understanding, and you are operating under Mr. Bogardus to implement his responsibility; is that correct?

A I would say basically that is right.

Q Now, the GSA-HUD understanding grew out of an attempt, did it not, to implement Executive Order 11512 on site selection of federal installations and to implement the Fair Housing Act of 1968; is that your understanding?

MR. HYMAN: Objection. He is leading

this witness right down the garden path. He is not a lawyer. He doesn't know what the consequences of the executive order are.

THE COURT: Yes, rephrase it. All right.

(Continued on the next page.)

Q Mr. Tolischuz, could you -- Have you been given instructions by anyone as to what you are to do after you receive a report from Mr. Green's office.

A That stage has not been discussed at this point.

Q So the only thing that GSA has done to date, other than hold a meeting with respect to implementing the agreement, was to do a questionnaire and the data being turned over to HUD?

A That is correct.

Q Now, could you tell me how you went about preparing the questionnaire, and what actions you took to obtain information?

A There was certain information we also wanted for our own purposes. But we asked the question on the grade structure of the employees. And we also asked the various agencies to give us their anticipated employees by grade structure. And we requested information on their transportation, how employees presently travel to work.

And this questionnaire was then mailed out to the agencies. And we requested that they complete the questionnaire and return it to GSA.

Q How many agencies did the questionnaire go to?

A I believe it was around twenty agencies.

Q How many employees are expected to be working in

the office building?

A By expecting -- What is your time frame for "expected to be working"?

Q Well, when fully operational.

A The prospectus, which presents an order of magnitude so that you can at least construct a building, I believe it is slightly over 2,000 or 2100, in that range.

Q And what did you learn with respect to the grade structure of these 2100 potential employees?

A I am sorry. By "learned"?

Q From the questionnaire.

A Well, we received a pretty even distribution. In other words, in terms of grade structure GS-1, GS-2's. They went all the way up to GS-14 and 15's.

Q Well, would you tell me how many employees fell under say Grade 6 or 7, if you can?

A I do not have that with me here. I do not have that information as part of my knowledge.

Q You don't know offhand how many would be in lower paying categories generally?

A I would have to say I remember that -- No, I would be incorrect if I stated without looking at the data.

(continued on next page.)

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DIRECT EXAMINATION

BY MR. BELLMAN (CONTINUING):

Q Was there any discussion at the meeting -- when was this meeting held? Oh, you said November or December of 1972.

Was there any --

MR. JASPAN: January of 1973.

We are going through a tortured questioning of the same question--

MR. BELLMAN: That is not an objection.

MR. JASPAN: You presume the wrong facts.

MR. BELLMAN: I corrected myself and I apologize for saying it was December 1972 when it was January 1973.

THE COURT: All right.

Q Was there any discussion at the January 1973 meeting with respect to what HUD would provide or do for GSA with respect to this office building under the HUD-GSA agreement?

A Not to my knowledge except as pertaining to the agreement they would -- based on the information we submitted -- they would reply but I can't recall any specific items.

Q Could you tell me why it was not until January 1973 -- if you know -- why it wasn't until January 1963 --

1973, I'm sorry -- that GSA undertook a meeting with HUD on this subject?

MR. HYMAN: Objection.

THE COURT: Sustained.

Q To your knowledge was any other meeting held prior to January 1973 between HUD and GSA on the subject of implementing Executive Order No. 11512, or the HUD-GSA agreement?

A From my time when I came to GSA, no, not to my knowledge.

Q You came to work in what month and year?

A October 1972.

Q Were you advised by anyone that such a meeting was held prior to your coming?

A No, sir.

Q Do your files indicate that any such meeting or contact was made prior to your employment with GSA?

A I have no knowledge of a meeting.

Q Was anything mentioned at the January 1973 meeting that would have indicated that prior contact was made between GSA and HUD on the subject?

A I can't recall.

Q You cannot recall or nothing was said that you recall?

A Nothing was said that I can recall at this point.

Q To your knowledge, is it common procedure for a prospectus to be approved by GSA, transferred to the OMB prior to undertaking to implement the HUD-GSA agreement?

MR. HYMAN: Objection. The witness did not testify there was a prospectus, but a preliminary prospectus.

MR. BELLMAN: No, an approved prospectus.

MR. HYMAN: Preliminary.

MR. BELLMAN: I don't remember any preliminary prospectus, but if you want to testify --

MR. HYMAN: You can ask him.

MR. BELLMAN: You can ask him.

MR. HYMAN: I wouldn't even touch him.

BY MR. BELLMAN:

Q Now, Mr. Tolischus, I show you a pack of materials. Are you familiar with these documents?

A Yes, this is the questionnaire and the covering letter, the covering letter to the agency requesting them to respond to the questionnaire.

Q And does it contain the responses as well?

A Well, let's put it this way: the package we submitted to you as per the court's request contained the responses. I don't know what you are showing me.

* * *

6

DR. ROBERT M. LEIFELS, having first been duly Sworn by the Clerk of the Court, took the witness stand and testified as follows:

DIRECT EXAMINATION

BY MR. JASPAN:

Q Dr. Leifels, by whom are you employed?

A Uniondale Board of Education.

Q In what position are you employed?

A Assistant Superintendent.

Q Now, what is the population of Uniondale?

A Approximately 33,000.

Q And is Uniondale an unincorporated area within the town of Hempstead?

A It is.

Q What is the school population?

A 7100.

Q And what percentage of the school population is black -- if you know?

A Black and Spanish surname, is the way the State Department takes it -- 19 percent.

Q Do you know what the present school budget is?

A 15,090,000, I believe.

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costs, depending upon how wealthy or poor it is.

As you increse in wealth -- if you can visualize this as a line going down -- the State sets it at 310. From that point, you still get 310 per operating expense per child, regardless of how wealthy you are.

Q So it is fair to surmise that based on the fact that you have a flat grant from the State, that you are one of the more wealthy school districts in the State?

A Yes, if you use that criteria. We are right at the line where we break. We could go back on formula, or stay on flat grant.

Q And isn't the reason for your being on a flat grant, because Uniondale has a fairly good tax basis for tax ratables?

A Yes, sir.

Q And isnt it true you have a good tax basis because you have a lot of commercial and industrial property in the school district, yielding substantial tax returns?

A Yes.

Q You have Roosevelt Raceway?

A Yes.

Q Does that produce substantial tax returns --

A Yes.

Q If you would let me ask the questions and then

answer -- the court reporter must follow.

Roosevelt Raceway is in your district?

A Yes.

Q And that yields substantial returns to the district?

A I wouldn't use the term "substantial."

Q But it is a good tax ratable?

A Yes.

Q You also have the Roosevelt Field in your district; shopping center at Roosevelt Field?

A Yes.

Q And is that a good tax ratable for the district?

A Yes.

Q Don't you have a lot of industrial and commercial uses, along Stewart Avenue?

A Yes.

Q They yield substantial tax revenue to the district?

A Yes.

Q So all of these together have put the Uniondale School District in a fairly advantageous position, vis-a-vis, other school districts having a tax ratable basis?

A If you want to compare us toManhasset, we are not doing too well. Compared to Levittown, we are doing very well.

Q Nassau County, though, how would you rate your position in comparison to all other school districts in the county?

A The only measure I could use there would be tax rates and we are about in the 48 or 47 tax percentile.

Q About the middle?

A Yes.

Q By that you mean, are half again as many districts, that would have a higher tax rate than yours?

A Approximately, yes.

Q Now, you also are looking, are you not, for development of additional tax ratables at Mitchell Field?

A Yes.

Q What are you looking toward? What have you been advised would be the benefits of development of Mitchell Field to the school district?

A Again, I would have to know what type of development you are talking about.

When we started talking about this, it was going to be a cultural center, library and industry. Now, I am not quite sure we know. We have the coliseum and hotels going up.

Whenever we get assessed valuation with no children we make money. No two ways about it.

(continued on following page)

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Leifels-cross

BY MR. BELLMAN:

Q There has been some discussion of industrial uses within Mitchell Field, in your school area, is that a fair statement?

A Yes.

Q Can you tell the Court what you have been advised, as to the proposed development of Mitchell Field whic would yield ratables?

A I can't say we have specifically any -- there is a lot of room.

Q Well, we know that the only major development at Mitchell Field has been the Nassau Coliseum. But what have you been advised, in terms of potential construction--

THE COURT: That is not so. You have the two colleges there, too.

MR. BELLMAN: I am talking about the rest of Mitchell Field, excluding the Nassau Community College and the Hofstra University, there is still a great deal of vacant land at Mitchell Field. Is that correct?

THE WITNESS: Yes. Specifically, we have been advised of a hotel.

BY MR. BELLMAN:

Q Would that yield tax ratables?

A I don't know, because I don't understand the situation of it.

When we were first talking years ago, we were told that that was going to stay -- that title to that land would stay in the hands of the county. Now with everything -- would everything above the ground be taxed, we don't know. So I think --

Q It is usual, though, for a private hotel to be taxed.

MR. JASPAN: It is beyond the expertise of this witness.

THE COURT: Yes. It is strictly speculative.

BY MR. BELLMAN:

Q Now, you stated that the figure of $2,239 -- is that a per-pupil expenditure?

A Yes, sir.

Q Now, that includes all expenses on special services, as well, in making that computation?

A Yes, sir.

Q Including Boces?

A Yes, sir.

Q Is that the usual way of making a per-pupil expenditure? Expenditure calculation, to include all special

services?

A I have taken the gross average and divided it by enrollment.

Now, there are as many ways of figuring pupil costs as there are business administrative calculations, I guess. You can get them on a current operating expense. You can get an average daily attendance; a weighted average daily attendance. This is the current budget for the current year, divided by next year's estimated enrollment.

Q Well, how do most schools undertake to determine the per-pupil expenditure? For the State, for example, don't you provide a figure to the State on your per-pupil expenditures?

A You are talking about the State aid formula?

We have a current operating expense. Then we get a current operating -- we report to the State -- I don't quite understand your question.

Q Well, I have seen the figures in the past that deal with -- with the State puts out booklets on per-pupil expenditures per district?

A You may be referring to years ago, when we had another accounting system. The State would exclude all expenses for building and other excludable items, perhaps capital outlay, and all types of construction, and they

A It was roughly just under a million dollars.

Q What would be two or three other big ones?

A Transportation, I assume. Deductible expenditures, transportation, $567,966.

Q What is the next largest?

A I said Boces. I gave you the wrong -- I will round these off.

Boces, $761,000. They are the ones --

Q Now, is Boces -- that's an adult education program?

A Oh, no.

Q No?

A No. That's for the handicapped, retarded, vocational education.

Q Now, you state your gross per-pupil expenditure was 22,39; is that correct?

A Yes.

Q How does that compare with the gross per-pupil expenditure in other school districts in the county?

A Very favorably.

Q Very high; is that correct?

MR. JASPAN: That's not what he said. He said, "very favorably."

MR. BELLMAN: I heard what he said.

THE COURT: He said, "very favorably;" you said, "very high."

BY MR. BELLMAN:

Q What do you mean by very favorably?

A I would say we are in the top 50 percent of the expenditures of school districts. I don't know the extent of all the other districts. But if you go to Great Neck, they are spending about $3,000, I think.

Q Would that be one of the highest?

A Yes. Manhasset would be in that area, someplace.

Q So when you said favorably, you meant --

A We are one of the higher per-pupil expenditure school districts. Yes.

Q It's true that you were over the 50 percent cutoff, aren't you?

A No.

Q About what percentage would you say?

A I would harbor a guess that it's around 50 percent.

Q Do you mean 50 percent of the school districts will have a higher per-pupil expenditure than Uniondale?

A I have never done a study on this, so I'm -- I'm not hedging your question, but I'm just trying to think as we go along. If I had to pick a figure, I would say maybe sixty percent. But I can't prove it.

Q In Uniondale's determination to spend that much money, that represents a strong commitment to good education, is that not true?

A Yes, sir.

Q Now, there was some discussion about the increased impact -- the impact that additional students would have on the assessed valuation?

A No.

Q You had -- on direct, you presented some testimony as to the impact that increase in the number of students would have on the assessed valuation in the school district, did you not?

A No, I did not.

Q What did you say?

A I gave information as to the impact on the tax rate.

Q On the tax rate?

A That's right. Yes, sir.

Q And the figure that I have written down is $2.11?

A Yes, sir.

Q What did that figure represent?

A It represents taking 1100 children, the figure that I have been given, multiplying it by 2239, and coming up with the increased expenditures and dividing by 99 million, which

Q Has that board adopted any resolution with respect to the inclusion of housing at Mitchell Field?

A I can't recall. As I said this morning, if there is an official motion -- I was not prepared on this, either-- I know that there has been correspondence to the different officials in the county, expressing varying views as to whatever happened to be the topic at that time. But I can't be any more specific than that.

Q So you don't know whether or not there was a resolution adopted?

A I do not know at this point, no.

Q When you say there's been correspondence, by whom?

A I presume that there is a resolution, but I can't swear to it. I am under oath, here. I do know that there has been correspondence on the topic, expressing a negative view on more housing.

Q Correspondence by whom to whom?

A The Board. As I said, I can't remember to whom, but it was to different officials. This was about two or three years ago, to the best of my recollection.

Q Now, you stated that 19 percent of the student body of the Uniondale School District is minority status, being black or Spanish-speaking; is that correct?

A 1972-73 June figures are 81.2 percent white, and 18.8 percent non-white. This list was just compiled a couple of weeks ago.

THE COURT: Is that black?

THE WITNESS: It would be black and Spanish surname.

BY MR. BELLMAN:

Q Now, it's true, is it not, that a large percentage of the minority or the black population of the Uniondale District resides in what we might call thesouth-east corner of the district; is that correct?

A They reside mainly in that area, which is the south-east, and the Grand Avenue area, which is adjacent to Hempstead, which would be to the -- well, still in the south.

Q It's one of the -- it's sort of a corner district?

A That's correct.

THE COURT: Do you consider the Spanish non-white?

THE WITNESS: No. That's the reason I think it's confusing.

THE COURT: That's right. I'm trying to figure that one out.

THE WITNESS: That is a State terminology.

it's a long report. Maybe I should even put in the --

THE COURT: Are you sure of that, that includes Spanish as well?

THE WITNESS: They say Spanish surname.

THE COURT: Spanish surname.

THE WITNESS: That's right.

BY MR. BELLMAN:

Q Do you have any figures on the number of blacks in the school --

THE COURT: That's surprising to me.

Q -- (continuing) in the school districts?

A In our community, if I give you 18.9 percent non-white, 18 percent will be black.

Q So a very small percentage is Spanish surname?

A That's right.

Q Are the minority children integrated into the school system, or do you have an imbalance?

A We have an imbalance. But they are integrated. Years ago, we needed and built at Smith School, which had about 30 percent black population then -- we didn't build on Smith Street. We built extra schools in the -- in the predominantly white area, and we are busing 100-- approximately 160 from Smith Street to the predominantly white

schools.

Q So the Smith Street school -- I am sorry.

A That's the elementary school.

Q Yes, and that would be --

A But it is still imbalanced.

Q It's imbalanced.

A Let me put it this way. What would be your measure of balance?

Q I know it's a very difficult question.

MR. JASPAN: Your Honor, we are not trying a busing case, here. I let him answer to show what the school is doing, that they do cooperate and try to keep racial integration, but how far do we have to go with this?

BY MR. BELLMAN:

Q Now, I am trying to figure out -- the Smith Street school would be -- you said 30 percent minority?

A No. I have it all here. Smith School, at the last count, as I remember, was 52.3 non-white.

Q Is that the -- that's an elementary school?

A Yes. K-6.

Q Is that the balance of the school in -- is that the school with the highest percentage for minority in attendance?

A Yes.

Q What is the next highest?

MR. JASPAN: If your Honor please, I again raise this objection. We are going far afield in this area.

THE COURT: I know. I will allow a few more questions.

MR. BELLMAN: Just a few more.

THE WITNESS: Grand Avenue, 37.4.

BY MR. BELLMAN:

Q And the next highest?

A Well, I'm talking about elementary, K-6.

Q Yes.

A That would be California Avenue School, Northern Parkway. That's one of the schools to which we bus black children, 15.9.

Q You have six elementary schools?

A Yes, sir.

Q Okay. Could you quickly -- if you could -- give us the percentage at the other elementary schools?

A I have given Northern Parkway. Well, I will just go down the list.

Northern Parkway is 15.9.

California Avenue is 10.9.

Smith Street is 52.3.

Cornelia Court, 1.0.

And Grand Avenue, 37.4.

That should be six.

Q I take it, is is a policy of the district to attempt to maintain a balance of -- a ratio, racial balance in its schools?

A Yes, sir.

Q Is there some concern that a growing minority population will make it more difficult to keep that balance?

MR. JASPAN: If your Honor please, I object. That is speculative.

THE COURT: I will sustain it.

BY MR. BELLMAN:

Q Have you had any discussion with either your superintendent or any board members with respect to the attempt to keep the schools balanced with the growing black population?

MR. JASPAN: If your Honor please, I object. That has no relation to this case.

MR. BELLMAN: I suggest it has a great deal of relationship, your Honor.

THE COURT: I don't think it has. What has that go t to do with it?

717a * * *

DR. MARTIN WALSH, called as a witness, having been first duly Sworn by the Clerk of the Court, testified as follows:

THE CLERK: State your name for the record, please.

THE WITNESS: Martin Walsh, W-a-l-s-h.

DIRECT EXAMINATION

BY MR. JASPAN:

THE COURT: All right.

BY MR. JASPAN:

Q What position do you presently hold?

A Pardon me?

Q What position do you presently hold?

A I am Superintendent of Schools in East Meadow.

Q Will you describe the East Meadow District, please?

A The East Meadow School District is the third largest District in Nassau County.

It encompasses a mileage of approximately 12 square miles.

It is generally bordered on the north by Old Country Road.

* * *

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We estimate 13,353 in September.

Q There is a declining population?

A Most definitely.

MR. BELLMAN: Excuse me. I missed the figures.

THE WITNESS: We closed at 3,350 -- Excuse me, we closed at 13,650. We anticipate opening in September at 13,350. (sic)

Q Dr. Walsh, what is your budget?

A The budget that we closed with for the school year 1972-73 was $26,806,602.

Q And was there a proposed budget for the forthcoming year?

A There was.

Q What was the proposed budget?

A The proposed budget was $27,000,390.

Q So there was an increase in the budget, even though the school population was declining?

A Yes.

Q Can you explain why that would be?

A One of the problems of course obvious to everyone is the sp: ally cost of education. Teachers' salaries are going up. We have a declining enrollment. We are a District that is very dependent upon State aid. And, frankly, the State

* * *

719a

CROSS-EXAMINATION

BY MR. BELLMAN:

Q The East Meadow School District has been experiencing over a period of time now a decrease in enrollment? Is that correct?

A Yes sir.

Q How long has that been going on?

A In 1964-65 I believe we had a maximum capacity then of 18,500. And we are down now to 13,500 maybe 13,300.

Q It is true, is it not that the Board just voted to close one of its elementary schools? Is that correct?

A Yes.

Q How many elementary schools do you have?

A We now have seven.

Q But you had eight?

A Yes.

Q Wasn't it recommended by the staff that you should close two elementary schools?

A No.

Q There was no issue of closing two?

A Not that I know of, no.

If you wish to give me the steps in which it was taken I will be very happy to do so.

Q No. Do you have any knowledge of any consideration

of closing two elementary schools?

A I know there was some sentiment voiced by one or two Board members to which I told them that I thought it was wrong at the time.

When this matter got started there was talk by a couple of Board members that we may eventually have to close two schools. But this was a matter of opinion of one or two Board members. Certainly it was not the position of the Board nor myself.

Q Why has there been a decrease in enrollment in the East Meadow School District?

A I wouldn't know exactly how -- I would say that the decrease in enrollment in the East Meadow School District is nothing more than the kind of thing that is going on across Nassau County right now.

It is working just the opposite in Suffolk.

I think you will find most school districts in Nassau County at the present time are realizing a declining enrollment.

Q Is it partially because of an aging population?

A Well, I wouldn't say that -- well, my opinion, if it is worth anything, is that I think there are a number of sociological factors that have become involved in the situation.

I think that when we were building schools in

East Meadow we had no idea of the pill. I think that is one of the factors.

Q Of the what?

A Of the pill. Birth control.

I think there is a factor here that from the standpoint of economics in that many of the homes that are in East Meadow are rather substantial. And young people today starting out do not have the capital to invest in these homes. But these are my opinions. Nothing more should be said about them except that it happens to be Martin Walsh's opinion.

Q Well, is it also true that the children of families that move into the colony, these children have been educated in the school system and are not able to locate in Nassau County and move on to Suffolk or other areas --

A Yes --

MR. HYMAN: Objection as speculative.

THE COURT: Highly speculative.

MR. BELLMAN: The witness has no problem in saying yes to the question.

MR. HYMAN: There is no question that he has an opinion but it is still a speculative question.

(continued on next page)

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Q So your schools are not at capacity at this time?

A No sir.

Q Now, this weekend you say the Board took some position relative to educating students who may be situated at Mitchell Field; is that correct?

A Yes, at my insistence.

Q And that position is that you would be fully prepared to educate those students if it wasn't a tax negative impact on the system?

A Right.

Q So, if there were to be ratables allowed, say in the Santini area and housing which would be for families producing children, if those ratables produced for the children you would have no objection to educating those children?

A That is true.

Q Does the East Meadow School District invite in students who are other than in the occupational course but say the standard education course?

A Those are the only youngsters-- well, we have one or two youngsters in the entire population whose parents work in the school district and one of our by-laws of the Board of Education is that children of staff members, if they are willing to pay the tuition, may have their youngsters educated

in the East Meadow School District and I have two or three situations.

Q So, this relates to only technical courses?

A And the transitional program which is new.

Q How many students are involved in the occupational, technical course?

A I would say about 50.

Q From outside the district?

A Yes.

Q How many from Roosevelt?

A I do not have a breakdown. If I had known you would ask that I would have the breakdown for you.

Q Approximately how many?

A I think Roosevelt probably sends most of the youngsters to our district but I am not sure.

Q Ten?

A Yes, broken down to six or seven districts, I think Roosevelt has the lion's share.

MR. BELLMAN: Thank you.

No further questions.

THE COURT: You may step down.

We will take a five minute recess at this point.

(Recess taken.)

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MR. JASPAN: Robert W. Johnson.

R O B E R T W . J O H N S O N, having first been duly sworn by the Clerk of the Court took the witness stand and testified as follows:

DIRECT EXAMINATION

BY MR. JASPAN:

Q What is your profession, sir?

A I am an Assistant Professor at Hofstra University which is a full time job and I am the Marine Conservation Biologist to the Town of Oyster Bay; more or less a conservation consultant.

Q How long have you been at Hofstra?

A Eleven years.

Q What is your educational background?

A I hold a Bachelor's and Master's from Hofstra and a PhD in Wildlife Management from Cornell University.

Q In the course of your career have you been associated with the study of ecological problems?

A Yes sir.

Q Tell us about it?

A Various aspects of land use and modification for Oyster Bay from water pollution to problem species; the value of natural areas. There is one area I have had an awful lot to do with.

* 725a *

will be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within examination may be signed before any Notary Public with the same force and effect as if signed and sworn to before the COURT; and that Counsel for the PLAINTIFF will furnish Counsel for the DEFENDANTS with a copy of the within examination, without charge.

- - -

MR. HYMAN: The usual stipulations under the Federal Rules, waive filing but do not waive signing.

MRS. THOMPSON: Yes.

M I L T O N C. M A R K O W I T Z, called on behalf of the Defendants, having been first duly sworn by Jay Deitz, a Notary Public in and for the State of New York, testified as follows:

DIRECT EXAMINATION BY MRS. THOMPSON:

Q Would you state your name, please?

A Milton C. Markowitz.

Q Would you state your address for the record, please?

A Residence or business?

Q Your residence address.

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A 80-35 Springfield Boulevard, Queens Village, New York. Apartment 4 B.

Q Do you have a G.S. grade?

A I do.

Q What is that grade?

A Grade fifteen.

Q How long does it take you to get to work, to your place-of-employment?

A Depending upon traffic, I would say, anywhere from an hour to an hour and a half.

Q What is your means of getting to work?

A By car.

Q Are you employed by the General Service Commission?

A Yes, I am.

Q What is your position?

A I am a Regional Commissioner of the Property Management and Disposal Service.

Q Could you define for me in your own words what your job entails?

A Actually I have four responsibilities. Number One is the care and handling of disposal of all personal property, care of handling of all real property and the care and handling and disposal of

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critcal materials, property, and appraisal program for G.S.A.

Q Briefly, what is the care and disposal?

A That is the program that is maintained by the program in case of National emergency.

Q What is involved in the appraisal program in which you are in?

A We appraise property and we also appraise property for P.B.S.

Q What is that?

A Public Building Service.

Q For how long have you held your current position?

A Since 1961.

Q Previous to 1961, what was your position?

A I had numerous positions prior to that.

Q Immediately preceding 1961?

A Chief of the Personal Property Organization Division, Utilization Division.

Q What did that job entail?

A That was all personal property that was reported and was for disposing.

Q For how long have you been employed by G.S.A.?

* * * 728a

Q Do you have additional copies of that?

A Yes, I do.

MRS. THOMPSON: Let us have the record note that Mr. Markowitz is looking at a document entitled "Mitchell Air Force Base, Hempstead, New York, GD NY-567, and I will mark my copy for identification as Plaintiff's Exhibit Five, as of this date.

(Document entitled "Mitchell Air Force Base, referred to was marked "Plaintiff's Exhibit Number Five for Identification" as of this date.)

A The first transaction at the Nassau County College goes back in 1962 at which time we gave the county one hundred thirty-five acres, HEW makes the actual conveyance.

Q If we direct our attention to the HEW --

A Health, Education and Welfare.

Q --which then passed it on?

A That's correct.

Q Were there any meetings which you attended in which G.S.A. determined to make land available to the Department of HEW for the purpose of educational

* * * 729a

Q If no municipality of the State or local government indicates an interest in any real property which is available and has been declared surplus, what is the next step?

A Sent for public sale.

Q Was any land at Mitchell Field offered for public sale at any time?

A No, never.

Q To your knowledge, has any agency, or state or local government other than Nassau County expressed any interest in negotiating the purchase of any land at Mitchell Field?

A No.

Q Do you recall a time in 1966 when additional acreage became available at Mitchell Field beyond the amounts which had been previously disposed of and sold?

A Yes.

Q How many acres were involved?

A I do not have the exact figure, but the chart would indicate it, going right down after the 435 acres were disposed of, it was approximately 191 acres that became available after that.

Q Do you recall ever receiving any indication

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Q During the time that you have been serving with G.S.A. has there ever been an instance in which G.S.A. has refused to sell land to a state or local government on the basis of the proposed use of that land?

A Yes, there are instances where the only reason they want to buy is to sell immediately and make a profit.

Q Have you encountered such situations while you have been with G.S.A.?

A Actually none that we actually rejected, but there were cases where we were not sure what the county, or town or local government was going to use it for and then they satisfied our requirements.

Q With regard again to the negotiated sale of the 435 acres of land to Nassau County, do you know or do you recall whether there were any conditions of sale dealing with the use to which that land was put?

A No, there was no restrictions on that.

Q Getting back to the sales through the Department of Health, Education and Welfare, are there restrictions on when that land is made available to HEW?

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* * *

Q Getting back to the negotiated sale, did G.S.A. attempt to sell the 435 acres for its appraised fair market value?

A Yes, it was a package deal for the entire acres which we gave the county $13,000,628.

Q The thirteen million et cetera was the appraised fair market value?

A Yes, let's say the fair market value of the property that was to be sold.

Q It is true, is it not, that the county initially made an offer of $12,000,000. for that land?

A The county originally made various offers much lower than the appraised value.

Q Were those rejected by G.S.A.?

A They all were rejected.

Q And ultimately agreed to pay the fair market value?

A Yes.

Q Ultimately with regard to the ultimate purchase price of the land, were you aware of any other subject of negotiation, any other areas of conflict between G.S.A. and Nassau County concerning that 435 acres?

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A That was for the J.F. K. Memorial and that was the overall plan.

Q Did you or anyone working for you ever have occasion to review Nassau County plans for the use of Mitchell Field and have any occasion to comment in your official capacity as to whether that plan was a good plan, or bad plan or indifferent plan?

A No, we did not comment on it.

Q Let me direct your attention, now, to the last entry on the fact sheet list which under recipients speaks of the offer of the County of Nassau to exchange 38 acres of county land for 55.42 acres accepted on 12/11/72, were you involved in any negotiations with the County of Nassau with regard to an exchange of land at Mitchell Field?

A Yes, I was.

Q What was the purpose of exchange?

A The main purpose of exchange was that when there is a change of commissioner, when Mr. Caso came in as County Supervisor, he felt that federal buildings would be entirely situated on Stewart Avenue in order to get the land on Oak Street he proposed that we exchange the land that we had and [733a]

which we were going to build on federal building on Oak Street and move it up to Stewart Avenue, and we bought that proposal.

Q When you say you bought that?

A We agreed to that proposal.

Q Did Mr. Caso have any occasion to inform you as to what way his plans for Mitchell Field differed from those of the previous commissioner?

A To my modification not, he felt that as far as the federal location was concerned, he felt that the federal buildings would be on Stewart Avenue rather than on Oak Street, he did not feel he wanted to use that for other developments and possibly put up Nassau County buildings along the spot, which would be a lower-type building.

Q When you say "lower-type" you mean in terms of height?

A Yes.

Q Do you know what the projected height is of the federal office building at Mitchell Field?

A It has been changed so often I really don't know what it is as of today.

Q Why has it been changed so often?

A Because of the different requirements

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will be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within examination may be signed before any Notary Public with the same force and effect as if signed and sworn to before the COURT; and that Counsel for the PLAINTIFF will furnish COUNSEL for the DEFENDANTS with a copy of the within examination without charge.

- - -

MR. HYMAN: The usual stipulations under the Federal Rules, waive filing but do not waive signing.

MRS. THOMPSON: Yes.

R O B E R T K. B O G A R D U S, called on behalf of the Defendants, having been first duly sworn by Jay Deitz, a Notary Public in and for the State of New York, testified as follows:

DIRECT EXAMINATION BY MRS. THOMPSON:

Q Mr. Bogardus, would you please state your full name?

A Robert K. Bogardus.

Q Mr. Bogardus, would you state your address, please?

A My home address? 735a

Q Yes.

A 13 Beech Street, Ramsey, New Jersey.

Q Are you employed by the General Services Administration?

A Yes.

Q What is your position?

A Regional Commissioner of the Public Building Services.

Q For how long have you held that position?

A A year and a half.

Q Previous to you becoming Regional Commissioner, had you been employed by G.S.A.?

A Yes.

Q What was your previous position?

A Chief of the Building Management Division, San Francisco, California.

Q Previous to becoming Regional Commissioner of the Public Building Services a year and a half ago, had you ever been employed by New Jersey by G.S.A.?

A No.

Q For how long did you work in San Francisco?

A A year and a half.

Q In other words, what is the function of the Regional Commissioner of the Public Building [736a]

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Services?

A Well, we have the responsibility for operating, maintaining, designing, constructing, buildings for which the General Service Administration has responsibility, when assigned space, lease space, and are involved in other aspects of real property management.

Q Are you familiar with a plan to construct a Federal Office Building in Nassau County?

A Yes, I am.

Q Do you know whether a site has been chosen for the construction of such a building?

A Yes.

Q Yes, you know?

A Yes.

Q Where is that site, you can give it to me, approximately?

A It's adjacent to Stewart Avenue, the exact boundaries I do not have.

Q Is that in the Town of Hempstead?

A Yes.

Q Is it on land which once was part of the Mitchell Field Air Force Base?

A Yes.

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Q During the time that you have been Regional Commissioner have you seen any records which would indicate that at any time any alternate site other than a site in Mitchell Field had been considered by a --

A I have seen no such record.

Q Do you, of your own knowledge, know how the site on Mitchell Field was chosen?

A No.

Q When you became Regional Commissioner had the decision to place the Federal Office Building at Mitchell Field already been made?

A Yes.

Q Do you know who made that decision?

A No, I don't.

Q At the present time have any decisions been made for the proposed office building at Mitchell Field?

A No.

Q Has any determinations been made of the size of the proposed building?

A Justapproximate, in terms of housing, approximately two thousand employees.

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Q Are you familiar with any proposals which

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indicated that a greater number of employees might have been employed at that site?

A Not during the time I have been Regional Commissioner, no.

Q Is there a current proposed site for the proposed office building at Mitchell Field?

A There is a proposed prospectus.

Q I am handing you a document which says "Proposed Prospectus for Proposed Purchase Contract #PNY-72013," is that the proposed Prospectus to which you are referring?

A Yes, to the best of my knowledge.

MRS. THOMPSON: Can we mark it for Identification, Plaintiff's Exhibit One, as of this date.

(Proposed Prospectus referred to was marked "Plaintiff's Exhibit Number One for Identification" as of this date.

Q What is the purpose of a prospectus?

A It is a document used to obtain approval, the Office of Management, Budget and the Congress, to authorize the construction of the federal building in this case.

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Q You referred to a proposed prospectus, are you, or is anyone under your supervision, in the process of preparing a final prospectus?

A I used the word "proposed" in relation to the fact that the office of Management and Budget of the Congress will determine the final scope of the prospectus; we do not have that authority.

Q Has the Office of Management and Budget of the Congress yet taken any action on the prospectus, to your knowledge?

A Based on the information I have, no, they have not.

Q Has either house or congress acted on the prospectus?

A No, it has not been submitted to Congress yet.

Q Will it be submitted to Congress after the office has acted on it?

A That is the normal procedure, yes.

Q Did you submit the Prospectus to the Office of Management and Budget of the Congress?

A No.

Q Do you know who has submitted that

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Prospectus to the Office of Management and Budget?

A The Commissioner of the General Services Administration.

Q What is his name?

A Arthur Sampson.

Q Do you know when the Prospectus was submitted to the Office of Management and Budget?

A I don't recall the date.

Q Do you know approximately when it was submitted?

A It would have been early this year.

Q January or February, 1973?

A Yes, or March, in that range.

Q Are you familiar with the fact that there was a Prospectus for the proposed office building at Mitchell Field which previously had been submitted to Congress?

A I am aware of it, yes.

Q Do you know what became of that proposed prospectus after it was acted on by Congress?

A What became of it?

Q Yes.

A As I recall, that particular prospectus provided for the inclusion of space required by the [74/a]

SELECTED PORTIONS .

PLAINTIFF'S EXHIBIT 2

HOUSING, BETTER HOMES FOR BETTER COMMUNITIES

PREPARED BY NASSAU-SUFFOLK REGIONAL PLANNING BOARD

OCTOBER 1968

THE HOUSING PICTURE TODAY

The vast majority of Nassau and Suffolk residents live in well-maintained homes of ample size in sound neighborhoods. While 96 percent of Nassau homes and 89 percent of Suffolk homes were in sound condition in 1960, there were and still are severe housing problems in the two counties for certain groups. These include Negroes, Indians and Puerto Ricans; migrant workers, welfare recipients, and other poor people; the young, the elderly, the handicapped, and the large family of moderate income.

Housing problems for non-whites result from poverty and discrimination; non-whites are significantly more limited in their housing choices than whites. The result is segregation, and it is getting worse. Between 1950 and 1965, the non-white population increased, especially in Nassau; the increases occurred largely in those areas which already contained significant numbers of non-whites.



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Housing problems for low- and moderate-income families of all races are intensified by an overall shortage of housing on Long Island. Because there are few vacancies, sound housing seldom "filters down" to those of moderate income. In addition, relatively little public housing has been built for the poor, and almost none for those of moderate income. Many families are overcrowded, and some share dwelling units.

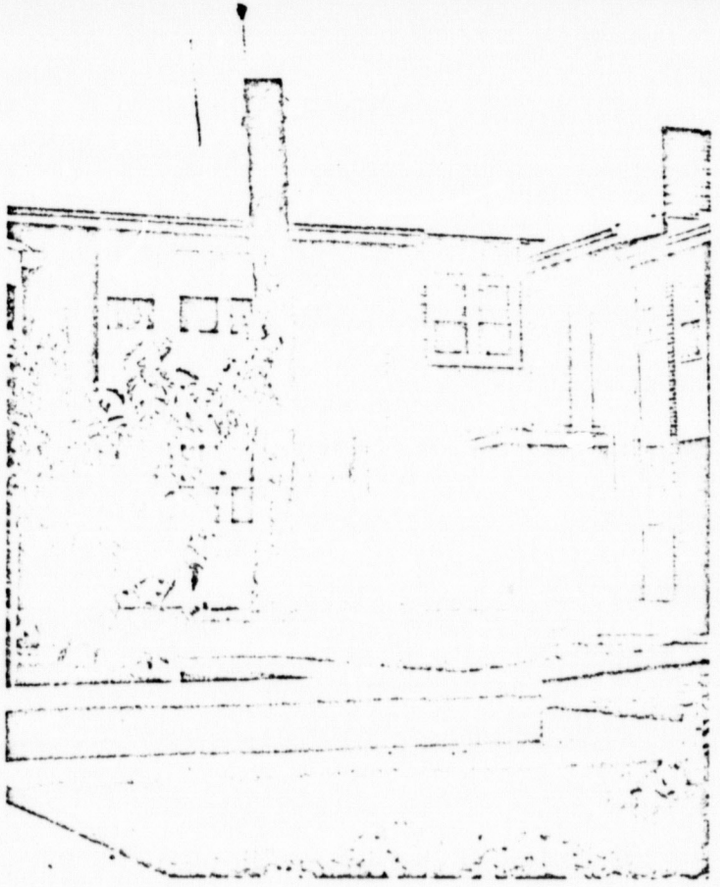
Older Nassau homes — in good condition — and new Suffolk homes can be purchased for less than $20,000, but most Long Island housing is more expensive. Using the rule of thumb that one can "afford" a house costing twice one's yearly income, a family with an income of $10,000 can buy a home in some parts of the Island, but a family with a smaller income may have great difficulty in finding a decent house.

Such a family will probably not have the alternative of an apartment. There are about 34,000 apartments in buildings of ten or more units in Nassau today, only about 10,000 in Suffolk. Although there is an unmet need for all kinds of apartments in Suffolk, and for all but luxury apartments in Nassau, few apartments are being built; those few are most often small in size and rent for at least $45 per room — out of reach of those groups which most need them.

Apartments are needed by the young and old, moderate-income families and individuals, long-term residents and newcomers. Newly-weds and young people striking out on their own cannot afford and do not need or want the expense and responsibility of owning a home; the early thirties are the traditional home-buying age. Many older persons, particularly those of limited means or living alone, prefer apartments. Most apartment dwellers on Long Island have moved, not from elsewhere, but from within the two counties.



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CATEGORIES OF HOUSING DEMAND

Merely building 409,500 new housing units, however, will not house all of Long Island's people adequately. Equally as significant is the need to build more than detached one-family homes on large lots, more than luxury apartments. The Island has matured and must now serve the demands of all its residents — white, black, poor, rich, young, and elderly. To do this effectively requires a multi-lateral approach to housing supply. In addition to privately built one-family houses, the following types of housing are required:

Apartments. Increased numbers of small, young and elderly households — which is projected — coupled with rapidly declining vacant land — which is occurring — will lead to an increased demand for apartments. In the past the demand for apartments has so far greatly exceeded the supply that projections of future demand are almost impossible. In Nassau, the decreasing supply of sites large enough for apartments, appropriately situated and zoned, will be the major barrier to extensive apartment construction. In Suffolk, land is plentiful but zoning restrictions against apartments are widespread. About 1,500 apartments are now being built annually in each county, but twice this number can likely be absorbed.

Public and Publicly-Assisted Housing. About 48,500 public or publicly-assisted housing units are needed in the two counties today. These range from low-rent public housing projects to private housing financed with federal below-market-rate loans. About 1,500 units of public housing have been built or are under construction; to date, proposals have been put forth for only about 2,000 additional units. All the units which have been built or are proposed are located in Nassau County or in the Town of Huntington.

In both counties, about a quarter of the public or publicly-assisted units to be built should be for elderly persons of low or moderate incomes. Only about 500 such units are in operation or under construction today; about 1,500 more are proposed — 1,000 for Mitchel

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...ld — to serve the elderly in all parts of Nassau County.

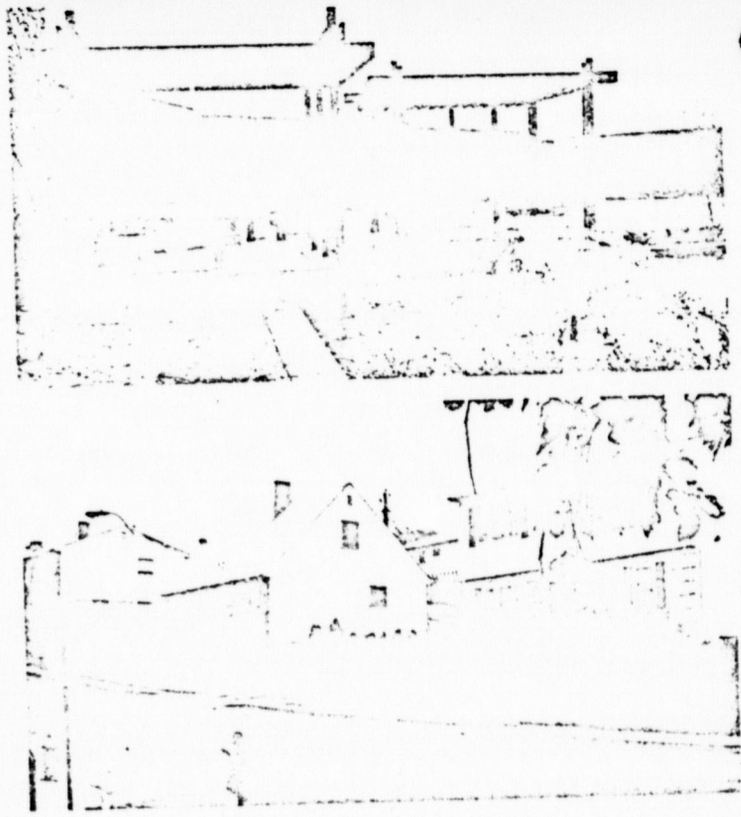
This need for public and publicly-assisted housing is a bare minimum, and does not reflect the needs of families who are depriving themselves of other basic necessities in order to pay for adequate housing.

In Nassau County, 21,500 more units are needed today than are already built, under construction or proposed. By 1985, about 4,000 additional units will be needed to relocate low-income families (with incomes under $5,000) whose homes are "lost" through demolition or deterioration, and for increased numbers of elderly people with low incomes. The total number of low-income families, however, is not expected to change by 1985, and, in fact, fewer moderate-income families (with incomes of $5,000 to $10,000) are expected.

In Suffolk County an estimated 23,500 units of public and publicly-assisted housing units are needed today. By 1985, an additional 28,000 units may be necessary to house an expected increase of low-income households, and to relocate low-income families, presently living in the county, whose homes will be "lost" through demolition or deterioration.

The need for publicly-assisted housing in Suffolk County by 1985, however, could be three times this estimated need, as the number of families of moderate income is expected to increase by about 84,000. At the present time, families in this income bracket can find decent housing within their means in Suffolk County, although the units might be poorly located with respect to transportation and employment.

But housing costs (which have in the past risen in line with incomes) are beginning to rise more rapidly than incomes. In order to have a sufficient supply of unsubsidized moderately-priced units in good condition available to these moderate-income families, housing costs will have to be stabilized with respect to incomes; open housing laws will have to be enforced; and the supply of standard housing will have to be expanded through new construction and through rehabilitation.



...ANTS OF DEFICIENT HOUSING

...d whites, Puerto Ricans and other Spanish-... groups, American Indians on reservations, ... recipients, the elderly, and the poor occupy ...cient housing. There are as many whites as non-whites in such housing, but they are more scattered and their opportunities for moving are greater. Black slums are larger in size, more dense, and more visible than white slums.

Two surveys were undertaken during 1967: the first, to determine the quality and cost of the housing of Long Island's welfare recipients; the second, a companion survey, to gain some insight into the characteristics of year-round residents of poor housing. Welfare recipients were excluded from this second survey.

Negroes and elderly persons (many living alone) were the predominant groups in both studies. Although non-whites constitute less than four percent of the total population of Long Island, one-third to one-half the families in both studies were non-whites. Further, housing occupied by non-whites was found to be in poorer condition and more overcrowded than that occupied by whites. Non-whites were also found to pay more for their housing.

The interviews with non-welfare residents of poor housing revealed that most family heads had a regular job. They drove to work in their own car, in a company car or in a car pool; few used or were able to use public transportation. Many had lived in the same single-family house for more than ten years. Most individuals living alone — about 15 percent of the total sample of about 500 — were females over 65 years old.

Black and Spanish-speaking families paid more for their housing than whites — about $128 as compared to $119 a month in Nassau; $107 compared to $95 in Suffolk. There were other differences between the housing of non-whites and whites: fewer non-whites were homeowners, fewer lived in single family homes, fewer lived alone, fewer were regularly employed.

Most residents of deficient housing paid more than a week's income for the month's rent — more than could be afforded, in most cases, without depriving the family of other necessities. About a quarter paid more than $30 a room for housing, more than would have been paid in publicly-assisted middle-income housing.

The Housing of Welfare Recipients

There were important differences in family structure between welfare and non-welfare recipients. Many welfare families are headed by a non-working female, and few welfare recipients, even though long-term county residents, are homeowners.

At the time of the survey of the housing of welfare recipients, public housing rentals were about $18 a room per month and middle-income rentals about $30 a month. In Nassau (excluding a few welfare recipients temporarily housed in motels because no other decent accommodations were available, and excluding a few in public housing), 96 percent paid more than $18 per room, and 71 percent paid more than $30 per room. In Suffolk, 70 percent paid more than $18 and 35 percent more than $30.

Most welfare recipients find their own housing, or are already housed when applying for welfare payments. In each county, the Department of Social Services finds or inspects housing for some of its clients, and is satisfied that these persons are decently housed, partly because of powers under the Spiegel Law to withhold rental payments for a welfare recipient when a dwelling contains conditions detrimental to health and safety. Due to the shortage of standard rental units, aggravated by discrimination against both the non-white and the welfare recipient, this law has limited usefulness; and if fully enforced, would significantly raise the cost of welfare housing.

Disproportionate numbers of welfare recipients live in parts of Hempstead, Long Beach, Freeport, Westbury, and Roosevelt in Nassau, and in Bay Shore, Patchogue, North Amityville, and Riverhead in Suffolk; in interviewing residents in deficient housing, about a third of the initial contacts in some areas were with welfare recipients. Without a doubt, a high proportion of such recipients in a small area can create problems.

Combining the high cost and poor quality of welfare housing, and the disruptive effect of welfare concentration on a stable neighborhood, it appears that welfare recipients would be better housed, at less or equal public cost, in publicly adminsitered housing. Here a variety of services, such as day nurseries, homemaking, and job training courses, to stimulate upward mobility could be made available. These facilities should be provided in the form of "scattered" projects, or leased private rental units, to avoid a "project" psychology.

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SELECTED PORTIONS

PLAINTIFF'S EXHIBIT 10

NASSAU COUNTY COMPREHENSIVE PLAN

PREPARED BY NASSAU COUNTY PLANNING COMMISSION

DECEMBER 1971

U.S. DEPARTMENT OF AGRICULTURE
Soil Conservation Service
Long Island Area, New York

NASSAU COUNTY
COMPREHENSIVE PLAN

1502

Grumman

Whereas Sperry has only one large building, Grumman has many structures of different ages, sizes and conditions that are used for a variety of purposes. Just recently Grumman was granted permission to construct an office building on the site. One hundred and nine of the 543 acres are owned by the United States Navy.

The corporation's location next to the railroad and its many usable industrial buildings should guide its development toward industrial uses. Offices ringing the industrial area and a limited number of apartments would provide both a buffer and a transitional area between the single-family housing located at the southeast portion of the property.

(One possibility for the Grumman site, because of its size, access to rail transportation, and existing buildings, would be its use as a solid waste reclamation center. As technology advances, the acute solid waste problem existing in Nassau County might possibly be alleviated here.)

Recommendation

Develop contingency land use plans for the long-range redevelopment of the Sperry and Grumman sites.

Mitchel Field

To date four reports have been prepared on the future of Mitchel Field.[1] These studies do not differ greatly in land use proposals for each recommends a cultural center, including a research library, with a coliseum as the focus. In addition, they propose a research development center, an office complex, related commercial facilities, a hotel, and housing, with the County leasing its land to private developers for construction. Improvement of the major road network and the utilities in the area has been designated as a County responsibility.

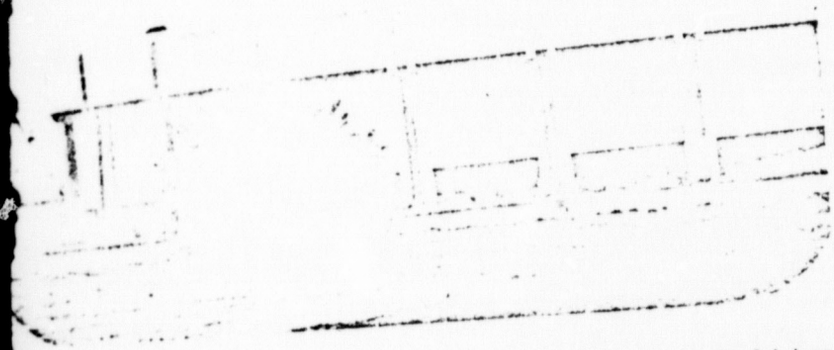
All four studies recognize Mitchel Field's unique position in Nassau County and the fact that the County, because of its rapid growth in the late 40's and 50's, has failed to provide a center of activity in which jobs, living, and cultural activities can be combined.

There is no single identifiable center within the County. Neither Hempstead, Garden City, Hic' ville, nor Mineola, provides what is proposed for Mitchel Field. It is a rare op-

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[1] Nassau Center and its accompanying John F. Kennedy Educational Civic and Cultural Center, Nassau County Planning Commission and Welton Becket and Associates, 1966; Basis of a Development Program, Marcom, [illegible], 1968; Mitchel Field Development Plan, Liu Urban Design Associates, September, 1970.

unity indeed to have available such a land parcel for
s passed by in the earlier development years. A true
ter" for the County, as proposed by the several studies,
still be achieved.



To date, the only visible activity at Mitchel Field has
een the construction of the coliseum and its related utility
nd road facilities. The coliseum is scheduled to open in
he Spring of 1972. The proposals put forth by the Marcom
tudies (the only plan that has received any widespread pub-
licity) were strongly opposed by some residents in the ad-
joining communities -- Uniondale and East Meadow. They ob-
jected to the height of the proposed structures and to
housing of any kind. Basically, the objection relied on
the belief that a great majority of the housing constructed
at Mitchel Field would be low income, thus affecting the
racial balance of the Uniondale School District. These resi-
dents also believe that low income housing would generate
more school children than the school districts could accommo-
date, and that it would not generate as much tax money as
would industrial development.

The objection as to height is scarcely credible,
since there already exists four 14-story towers at Hofstra
University on Mitchel Field, and additional buildings with
some height would not have any further material impact on
aesthetics or environment.



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Although recommendations for housing at Mitchel Field have been as high as 9,400 units,[2] the final determination will be based, to a great extent, on the ability to find suitable housing sites in other areas of the County to meet the projected demand. If sufficient sites are scattered throughout the County, then the need to utilize Mitchel Field is correspondingly reduced.

Provision should be made for the elderly, low, middle, and high income persons. The 10-20-70 formula adopted by the State of New York, which limits elderly housing to 10 percent and low income to 20 percent, would provide a balance for the area.

One of the major problems at Mitchel Field will be that of providing an adequate transportation system into the center, as well as within the center. It has been estimated that with a minimal amount of development, the related highway system will reach capacity within five years. The initial phase would be to develop 282 acres, as shown in Table 56. It will be essential to provide a mass transit system in and out of the Mitchel Field complex within five years of completion of the initial phase. These traffic volumes are shown in Table 57.

2 Summary of Objectives, Plans and Policies for the Development of Nassau Center, Marcom, Inc., New York, N.Y., March 1969, p. 17

Table 56[3]

Proposed Land Use Allocation at Mitchel Field

Major Use	Initial Phase Acres	Initial Phase Percent of Total	Ultimate Development (Cumulative) Acres	Ultimate Development (Cumulative) Percent of Total
Total	836	74.0	1,130	100.0
Nassau Center	282	25.0	576	51.0
Residential Areas	42	3.7	204	18.0
Office & Business Areas	48	4.2	180	15.9
Research & Development Complex	36	3.2	36	3.2
Coliseum-Cultural Areas	35	3.1	35	3.1
Conservation & Nassau Green	73	6.5	73	6.5
Service Uses	48	4.2	48	4.2
Other Mitchel Field Properties	554	49.0	554	49.0

A more basic question arises with regard to the future of Mitchel Field. This last large resource parcel of land lying in the center of the County was purchased by the County of Nassau with funds derived from taxes paid by all of the people of Nassau County. Interest on such principal borrowed for the acquisition will be paid through taxation of all the residents. Public facilities, roadways and sewers also

3 Summary of Objectives

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Table 57

Initial Phase Traffic Generation

	Total Number One-Way Trips Per Day	Peak Hours 8-9 am	5-6 pm	10-11 pm
INTERNAL TRAFFIC GENERATORS	40,900	6,170	5,860	5,760
Nassau Center				
Central Area: N. of Hemp. Tpke.				
Residential	3,000	230	450	150
Coliseum	10,000[5]	250	--	4,000
Library	2,000	200	200	--
Arts Module	1,500	40	150	450
Hotel	1,200	60	180	120
Office	12,800	3,840	3,840	--
Other Mitchel Field Generators				
Nassau Community College (additional growth)	10,400	1,550	1,040	1,040
PERIPHERAL TRAFFIC GENERATORS	27,600	3,625	4,730	840
Nassau Center				
Central Area: S. of Hemp. Tpke.				
Commercial	7,500	940	1,320	--
Residential	7,200	540	1,080	540
Stewart Avenue Concourse	4,300	1,320	1,320	--
Research-Development Complex	6,000[6]	675	675	--
Other Mitchel Field Generators				
Hofstra University (additional growth)	2,600	150	335	300
TOTAL Nassau Center and Associated Initial Stage Traffic	68,500	9,795	10,590	6,600

Source: Marcom estimates based on available traffic studies and traffic standards

4 Summary of Objectives, Plans and Policies for the Development of Nassau Center, Marcom, Inc., New York, N.Y., March 1969, p. 29.

5 Reflects condition of maximum attendance at prime scheduled events.

6 Assumes increased reliance on public transit facilities and related parking to ensure economic use of land.

installed, will also be at general County expense as will the maintenance and upkeep of all the facilities.

It would follow logically that all of the people of Nassau County who will pay the bill for Mitchel Field should share in the tax revenues to be generated from the development of this area.

The arguments of the Uniondale residents relative to the school district, if they had any validity, could be met by establishing a separate school district encompassing the area of Mitchel Field and a County-wide School Tax Collection District. After paying for the educational needs of Mitchel Field, the remaining funds would be paid to each school district in the County to cover the basic, per pupil cost of education as determined by the Commissioner of Education and in a ratio that local school district population bears to the total school district population of all school districts in Nassau County. Where necessary to carry out such steps, legislative approval should be sought.

Only by providing a wide range and diversity of activity at Mitchel Field, through a multiple, widespread use of office-business-research-housing-coliseum-culture-open space-educational use can Mitchel Field be a natural center for all of Nassau County, on a 24-hour basis, rather than between the working hours of nine to five. In this way, the economic and social needs of Nassau County will best be met.

The value of return to the community for different types of land use varies. The Marcom report estimates that for offices the land use value would be between $30 and $40 per square foot for buildings and $150,000 to $350,000 per acre of land. A research development complex (industrial) would be assessed at between $20 and $25 per square foot and $75,000 to $125,000 per acre of land. Industry, generally, is developed on a one-story basis, while offices contain more than one floor. The Marcom report further estimates that residential facilities (apartments) would be valued at between $30,000 and $40,000 per unit and the land value between $100,000 and $350,000. This indicates that industrial usage of the land would be the least financially productive because of the lower square footage and land values. Despite this fact, some land at a planned center should be devoted to industry to provide a variety of job opportunities. There is also a limit to the amount of office space that can be provided without saturating the County-wide market.

A 1970 study of office space, conducted by the Nassau County Planning Commission, revealed that the County had 4.3 million square feet of existing office space; 2.3 mil-

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lion square feet under construction; and 1.6 million square feet planned by the end of 1971. Marcom projected 11 to 20 million square feet of additional office space by 1985. The study proposes the allocation of office space in Nassau County, as shown in Table 54. This totalled 20,520,700 square feet. Therefore, the top range of the 1985 projection will be exceeded, and it is questionable whether additional office space, beyond the six million square feet proposed at Mitchel Field, would be economically viable. As more land is devoted to office space, the demand on the transportation system becomes even greater.

To adequately provide for the needs of the County, as well as the needs of the complex itself, it is essential that the economic analysis and land requirements established by Marcom, Inc., and the detailed land use plan developed by Liu Urban Design Associates, be used as the basis for a Master Plan for Mitchel Field. Only by providing a twenty-four hour center can the best interests of Nassau County be realized. A rational relationship of land use is required, recognizing that this complex is but one of many areas where the development of commercial, office, industrial, and residential land use currently is taking place within the County.

Hopefully, by providing jobs and people in stimulating surroundings, the need to travel great distances for social and economic needs will be lessened. In this manner, the environment will be enhanced, while the needs of the County will be met, with resulting benefits for all the residents of Nassau County.

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Recommendations

Adopt a master plan for the development of Mitchel Field.

Construct offices, industry, commercial establishments, cultural facilities, and housing as a 24-hour center.

Build an internal mass transit system capable of being incorporated into a County-wide system.

SELECTED PORTIONS

PLAINTIFF'S EXHIBIT 14

NASSAU CENTER

PREPARED BY MITCHEL FIELD DEVELOPMENT CORPORATION

MARCH 1969

NASSAU CENTER

PLANNED DEVELOPMENT . . .

Nassau Center is the planned development of land owned by Nassau County at the former site of Mitchel Field . . . land lying strategically and squarely in the center of Nassau . . . an area as large as mid-Manhattan running from 34th to 59th street and from river to river.

SUBURBAN CHARACTER . . .

The suburban character of Nassau County will be maintained while fulfilling the educational, cultural, commercial, residential, recreational and other needs of the 2,000,000 people who will live in Nassau in the last quarter of the twentieth century and in the age ahead. This is not a plan for a city, but a carefully conceived mosaic of the vital elements that contribute to satisfying community living.

FINANCIALLY SELF-SUPPORTING . . .

Financially self-supporting, *Nassau Center* will be largely built with private capital and will be subject to all taxes. Revenues and taxes from *Nassau Center* property will in the long run more than defray the cost of public buildings and improvements in the area.

ESTHETICALLY PLEASING . . .

Architectural design will be stressed for individual buildings, for building groupings and for *Nassau Center* as a whole.

Sensitivity to the present environment has been a guiding principle in planning *Nassau Center*. The new is designed to complement the strong existing features of the area.

CAREFULLY CONTROLLED . . .

Requirements for schools, fire protection, utilities, and municipal services will be solved in consultation with those districts having jurisdiction. The Town of Hempstead will retain its full zoning powers, the County Planning Commission its right of review and recommendation where now provided by law, and the Mitchel Field Development Corporation will have a right of approval over the plans, on construction, and continuing maintenance of all buildings and facilities on the lands under its jurisdiction.

THE SHORT . . . and THE LONG RANGE . . .

Nassau Center as presented here embodies a plan for immediate development, as well as a perspective of the long-range goals to be realized. Even though completion of the ultimate plan is necessarily years away, a conception of the overall area is sketched in the opposite gatefold as a visualization of the final development possibilities.

To: *County Executive and Members of the Board of Supervisors of Nassau County, Presiding Supervisor, and Members of the Town Board of Hempstead, Nassau County, New York*

Honorable sirs:

The basic planning report of the Mitchel Field Development Corporation is hereby rendered to you. It is a comprehensive document, proposing "Nassau Center" as a challenge and a reality. We have tried to heed the four charges we were given: be sensitive to social needs and desires, be visionary for the future, be mindful of costs, and be mindful of the necessity of increasing municipal revenues.

The Creation of Mitchel Field Development Corporation

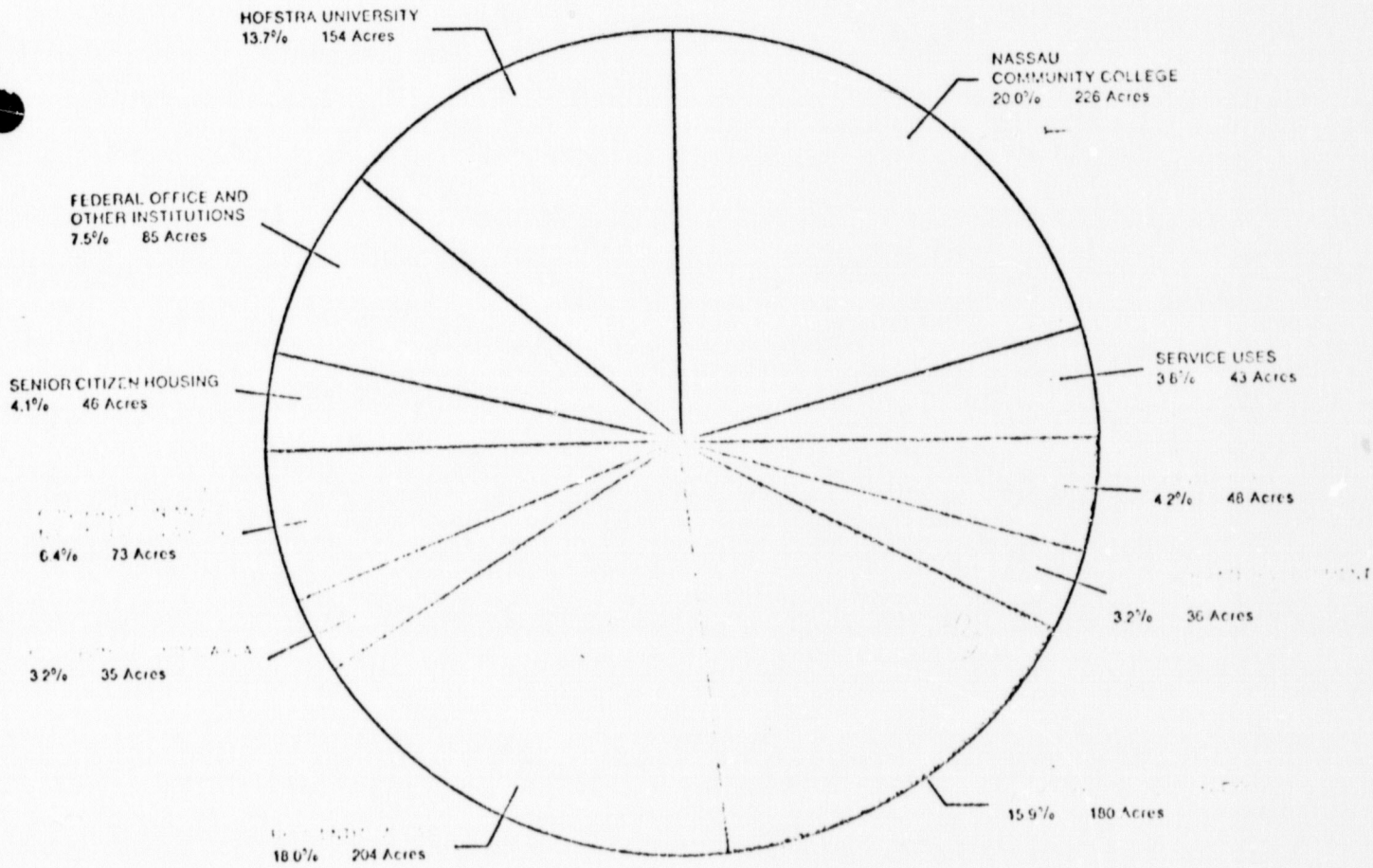
On acquiring the last major parcel of land at Mitchel Field in 1968, the County contracted with the then newly created Mitchel Field Development Corporation (MFDC) to recommend a definitive plan for the development of the County-owned lands at Mitchel Field and to assist in its implementation.

The nature of MFDC and its function is really part of the plan itself. Except for municipal facilities, Nassau Center is to be developed wholly by the private sector. The basic concept is for the County to lease Nassau Center lands to this Corporation, which, in turn, will sublease the properties to private developers, builders and users. Private industry will do the building. The Corporation will, by contract and lease, control the construction and maintenance of all buildings and facilities and insure strict adherence to standards it adopts.

The Corporation, made up of leading business and professional people, all private citizens working voluntarily in the public interest without payment, is a non-profit membership corporation. Its members and directors are recommended by the County of Nassau and the

PROPOSED ALLOCATION OF [illegible]

TOTAL AREA OF MITCHEL FIELD .....1130 acres*

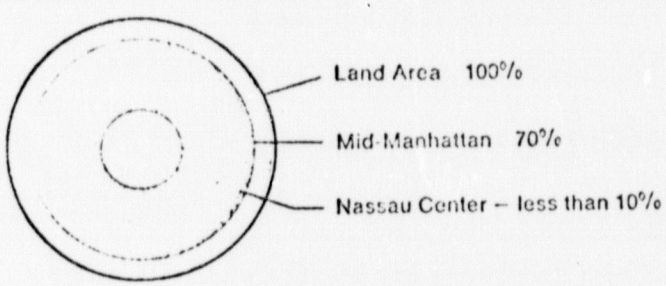


576 acres (50.9%)

*Approximate

RELATIVE BUILDING COVERAGE

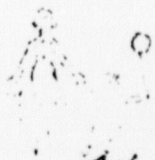
At Nassau Center buildings would occupy less than 10% of the land . . . Comparatively, in Mid-Manhattan buildings cover 70% of the land.



The proposed development plans for all of the original Mitchel Field lands will provide facilities for:



44,000 Employees



31,000 Residents



33,000 College Students

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CENTRAL AREA DEVELOPMENT (Initial Phase)

The Coliseum/Cultural group, an office-hotel complex, and residential apartments with supporting shopping facilities will constitute the initial stage of central area development.

COLISEUM

The Nassau Coliseum, described on the inside back cover, is now under construction. By late 1970, it should be offering basketball and hockey games, exhibitions, shows, conventions, and public performances of many kinds.

LIBRARY

A central reference library for the County, long discussed, can become a reality in this area. Previous studies recommended a library of about 150,000 square feet in floor area with an eventual collection of 700,000 volumes. The Nassau County Reference Library has received a provisional charter from the State, and the Board of Trustees is moving forward with its development. Sufficient land is reserved for construction of the library as part of the cultural group in the central area north of the Coliseum.

CULTURAL MODULE

An important recommendation is the immediate construction of an expandable cultural module for theatrical performances, performing arts and museum purposes. Instead of earmarking a number of free-standing buildings for cultural purposes, the recommendation here is to apply contemporary architectural techniques so that floors or wings can be added as future needs develop.

Together with the Coliseum and the Library, the Cultural Module will add a new dimension to suburban Nassau life styles. The combination of these facilities will draw people to Nassau Center to patronize its activities and contribute to the economic vitality of Nassau Center. It is to be noted that this proposal for the combined Coliseum and Library-Cultural Module encompasses approximately 35 acres, a substantial reduction in land area from previously discussed allocations without sacrificing any of the qualities or values sought.

OFFICE-HOTEL COMPLEX

The office-hotel complex is proposed for the south side of the Coliseum, integral with two multi-level parking structures. The office buildings and hotel represent basic entities in the Nassau Center concept. It is recommended that the hotel provide 300-500 rooms in a seven-story structure with banquet facilities for 2500 guests. Three office structures are proposed ranging in height from eight to fourteen stories depending on requirements. The hotel itself is sited so that it can be readily expanded in response to demonstrated demand. At least one cinema should be placed in this complex. These facilities would provide employment within walking distance of the residential areas and additional commercial income that can help maintain civic enterprises without sizeable private or community subsidies.

RESIDENTIAL AREAS AND SHOPPING FACILITIES

Two residential areas east and south of the Coliseum are also planned for the initial stage of development. The residential area immediately to the east of the Coliseum will consist of four 14-story buildings with a total of 500 apartments. In addition, this residential area will offer integrated parking for 700-900 cars with easy accessibility to other activity centers and public transportation.

The other residential area is immediately south of Hempstead Turnpike, opposite the Coliseum. It is recommended that this area contain eight buildings ranging from six to fourteen stories with a total of 1200 apartments for low and middle income residents. It is intended that the lower buildings will be constructed adjacent to existing residential areas. These residences will be provided with associated parking.

The close proximity of the Coliseum-Library-Cultural complex, convenient shopping, and planned public transportation, underscores the desirability of locating housing here. Initial development of this area includes a shopping facility of some 250,000 square feet of floor area with 1100 parking spaces. Future retail or residential expansion could be provided by use of air-rights over the water recharge basin required in the southwest corner of this tract.

Shopping facilities within Nassau Center are planned to serve the needs of those in the area. More extensive shopping is available at Roosevelt Field, Roosevelt Raceway, Garden City, Hempstead Village and elsewhere nearby.

ENCLOSED PARKING FOR CENTRAL AREA

Parking for the central area would be provided by enclosed structures designed integrally with the office buildings, hotel and apartments nearby, as part of the private development programs. These facilities are planned as unobtrusive structures which would go two and three levels below ground, connecting directly with the lower levels of the office, hotel, and residential buildings. More than 4800 parking spaces would thus be available in the initial phase.

Coliseum patrons will have ample and convenient parking in these structures, even under conditions of maximum attendance. Climate-controlled moving walkways for access from the office-parking structures and a bus docking area will assist people in moving quickly to and from the Coliseum so that no one need walk more than a short distance.

In formulating the plan for Nassau Center, full recognition has been given to the fact that proposed uses cannot be considered "hard and fast". For example, it may be more reasonable, in a particular building, to have offices on a number of floors and apartments on the remaining floors; or possibly a combination of commercial and office facilities. This is the modern trend in land-use planning and most appropriate for a center of the future such as Nassau Center.

Although every effort has been made to present the concept of Nassau Center as completely as possible in this report, many planning details could not be treated here. The plan is sufficiently flexible so that provision for all vital services such as additional schools, fire stations, police stations, and other auxiliary facilities can be added as needs develop.

In forging Nassau Center, care must be exercised to foster the utmost compatibility with the surrounding area, not only in terms of esthetics and convenience, but also in avoidance of unnecessary competition. Nassau Center is not a world to itself, but part of the great Nassau Suburb, and it is dedicated to furthering that greatness.

In closing, the Corporation earnestly desires to express its gratitude to the County Executive, the County Board of Supervisors, the Presiding Supervisor and the Town Board of Hempstead, and all the planning officials, for their wholehearted support of the work of this Corporation and their understanding of its problems. We are grateful to our consultant, Marcom Incorporated, for its unusual diligence in assisting in the formulation of this program. To those many persons, public and private, who had the interest to appear and express their views at our three public hearings, we offer thanks as well. Silas Edman, dedicated Vice-President of the Corporation, deserves special mention.

Respectfully submitted,
MITCHEL FIELD DEVELOPMENT CORPORATION
by _____
BERTRAM HARNETT, *Chairman*

Garden City, New York
March 1969

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SELECTED PORTIONS

PLAINTIFF'S EXHIBIT 58

NASSAU CENTER, INTERIM REPORT

PREPARED BY MITCHEL FIELD DEVELOPMENT CORPORATION

OCTOBER 1970

P # 58

NASSAU CENTER

INTERIM REPORT

OCTOBER, 1970

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MITCHEL FIELD
DEVELOPMENT CORPORATION
REHOUSE LANE • GARDEN CITY, NEW YORK 11530 • 516-535-3535

INTERIM REPORT

Introduction

NASSAU CENTER is to be a resource for the entire community - combining as it will elements of recreation, enrichment, business, housing, athletics and conservation.

The Mitchel Field Development Corporation, as the group charged with planning for this multi-use Center, feels it is appropriate at this time to issue this Interim Report reviewing our efforts to date just prior to the commencement of the Initial Phase developments.

History

The Mitchel Field Development Corporation was chartered in January 1968. Its purpose, as stated at the time, was to develop plans for the use of the acreage available to the County, to contract with qualified bidders to lease space at the Field, and to move ahead with its plans so that the residents of the County might begin at the earliest possible date to enjoy the personal and financial benefits that would accrue from this development.

The principles underlying the efforts to date have been to develop plans that would:

1. Be consistent with the current and projected sociological trends in the County.
2. Preserve and enhance the suburban way of life.

OFFICERS: DANIEL T. SWEENEY, CHAIRMAN OF THE BOARD & PRESIDENT, EUGENE F. GIBBONS, VICE CHAIRMAN, GEORGE L. HUBBELL, JR., SECRETARY, MORRIS E. BIRER, TREASURER
OTHER DIRECTORS: FRANKLIN BEAR, JOHN EWALD, SR., SIDNEY FRIEDMAN, LEONARD W. HALL, ANTHONY T. PROCELLI
VICE PRESIDENT, GILAD EDISON

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Some Problems

It would be misleading in a report of this nature to ignore the fact that the Mitchel Field Development Corporation has received its share of criticism. Some statement is therefore in order.

It has been our policy to get on with the meaningful work involved in our mandate, and to avoid in so far as possible confrontations on aspects of the work as it developed. It was our judgement that such confrontations had delayed the project sufficiently since the time the Air Force vacated Mitchel Field. To permit this effort to be sidetracked on minor points as the plan was being developed seemed inadvisable.

That such a judgement was correct is evident in the general agreement our proposals have elicited. For example, there has been nearly unanimous support for our suggestions involving the Hotel-Office complex, the Stewart Avenue Office Concourse, and the Research and Development Area.

Some problem areas and the Corporation's position follows:

HEIGHT - It has been suggested by some that the Corporation should advocate high rise development within Nassau Center. In fact, the Corporation did. However, such development is in conflict with local zoning ordinances. The authorities have informed the

Corporation that any development must be in conformity with these zoning ordinances. It was the Corporation's judgement the development could take place within the guideline of the zoning ordinances while still meeting the community's needs.

HOUSING - The Corporation is commited to doing its share toward relieving the County's housing crisis. We have proposed the inclusion of housing at NASSAU CENTER, and continue to do so. We are cognizant, however, that the entire County housing problem cannot, should not, and will not be solved at Mitchel Field, and that additional solutions are necessary.

Conclusion

We believe that the work to date of the Mitchel Field Development Corporation has been endorsed by the responsible authorities. We believe our proposals are in the best interests of Nassau County and its residents.

Accordingly, we intend to press forward with NASSAU CENTER.

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Garden City, N.Y.
October, 1970

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SELECTED PORTIONS

PLAINTIFF'S EXHIBIT 59

REPORT AND RECOMMENDATIONS

PHASE I

NASSAU CENTER

PREPARED BY MITCHEL FIELD DEVELOPMENT CORPORATION

JULY 1969

MITCHEL FIELD
DEVELOPMENT CORPORATION
FIREHOUSE LANE • GARDEN CITY, NEW YORK 11530 • 516-742-0485

Report & Recommendations

PHASE I
NASSAU CENTER
JULY, 1969

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SUPPORT

1. Support for the development of Mitchel Field was underscored in a number of appearances. Representatives from the real estate, commercial, and industrial sector urged early commitment to the project. There was agreement in the statements of a number of elected officials who indicated that they were in favor of the hotel, the coliseum, and office buildings.

CONSERVATION

2. Through the concerted efforts of the Citizens for Hempstead Plains a very strong case has been made for the natural-state preservation of the Meadowbrook area which was recently purchased by Nassau County from the Long Island State Park Commission. In addition, conservationists urge that the last remnant of the Hempstead Plains be preserved. Their program calls for a quiet park with controlled access to assure a proper observation and study environment for natural-state wild life and flowers.

SCOPE

3. In the Nassau Center proposal there was an effort both through visual means and verbalization to project an ultimate prospect for the development of Nassau Center. As a planning

body, the Corporation felt that if the plan were to show real commitment for the immediate future of the area, it was necessary to carry the thinking to a possible end result of the fully developed property. It was also intended as a clear statement of policy to limit the ultimate development of Nassau Center to an average 10% land coverage, thereby maintaining our suburban character. Thus, decisions to commit to immediate use could be judged against the long range projection in order to prevent immediate commitments spoiling long range use possibilities.

It was evident from the testimony at the recent public hearings that this effort was misunderstood and that the distinction between the possible and the recommended was not clear to the public. The consequence is that immediate prospects of 31,000 residents, employment for 40,000 people, and the need for required support facilities was mistakenly understood to be our recommendation rather than what might be a possible ultimate development.

We, therefore, believe it is worthwhile to restate specifically that the Corporation only proposed the development of the initial phase, which included the following:

* Five office buildings with 1.2 million square feet of office space where 8,200 people might be employed.
* An active park area of about thirty acres.

Important to keep in mind is the fact that regardless of the agreed upon division of revenue, the Corporation can distribute its excess income only to the County. Additionally, every proposed lease is subject to the review and approval of the County Executive and the Board of Supervisors.

It is also worth noting that the Board has publicly established the policy that all aspects of corporation business are open to public inspection with the exception of negotiations where public discussion might inhibit the free exchange required. Once completed however, the results of those negotiations will also be made public.

HOUSING

7. Without any question, the strongest opposition was to low and middle income housing, and in particular, to the construction of an eight-building, 1,200 unit complex south of Hempstead Turnpike. Some public leaders and individuals expressed vigorous opposition to a development of this scale within that area. They strongly protested on the basis of what it would do to the tax rates, school system, and social structure of their community. An answering statement was made by representatives of the NAACP and Nassau Council of Churches. They urged a reasonable consideration of a clearly recognizable

need for low and middle income housing in Nassau County with a suggestion of, "Why not at Mitchel Field?" This point of view was also represented by members of the Nassau County Planning Commission. They suggested that there is urgent need for apartment housing so that we may anticipate accommodating our younger and older citizenry who would prefer to stay in Nassau County but who now can find no appropriate, reasonable accommodations.

IMPACT ON NEIGHBORS

C. From nearby school districts came two points of view. Uniondale School District representatives expressed a resentment at the prospect of an increase in school population with no appropriate school tax increase. The erroneous concept that the Uniondale School District will receive no revenue apparently persists.

In fact, the Uniondale School District promises to be the major beneficiary of the anticipated revenue. Specifically, the Uniondale School District currently operating with a budget of $10,100,365 would benefit on the basis of revenue figures projected for the initial phase construction by some five million dollars or approximately 50% of its total budget.

As a planning concept it has always been intended that private developers would be required at their expense to provide

community representatives protested the prospect of high-rise buildings. The Corporation has never suggested any buildings higher than those already existing on the adjacent Hofstra campus. These buildings are a maximum of fourteen stories. In any case, it is the considered opinion of the directors of the Mitchel Field Development Corporation that a low percentage of building coverage is crucial to achieve the open feeling of a suburban development. It is possible working within the existing industrial zone height restrictions for this area, wherein a 100 foot height limitation is stipulated, that satisfactory space can be developed to fulfill the best economic interests of the County and preserve the sense of open space.

CONCLUSIONS AND RECOMMENDATIONS

Having found the hearings most constructive, having had the opportunity at a series of other meetings and conferences to gather counsel and public sentiment as regards this project, and after considered judgment of all relevant factors, the Corporation by means of this report recommends the following:

1. Immediately proceed to develop the following:

   A. Hotel of 300 to 500 rooms with banquet facilities for at least 2,500 people in one room.

   B. Three office structures totaling 000,000 square feet in the central area near the Coliseum site.

C. Two office structures totaling 400,000 square feet on Stewart Avenue.

Construction of the above facilities should be planned to commence within the next nine months and completed by early 1971.

In soliciting proposals, standards and specifications of construction will be utilized so that the same information is available to all interested developers. Proposals will be accepted only on forms to be distributed by the Corporation with the standards and specifications. This will permit a fair appraisal of all proposals and provide a fully documented record. All construction recommended above should be limited to the 100 feet height presently permitted under Town of Hempstead zoning.

2. That the County immediately design the recommended road system and utility right of way so that construction can be accomplished without delay, keeping in mind the planned completion of first buildings in early 1971.

3. Early construction of Nassau Green with the exception of the domed structure.

4. Immediately take steps to generate interest for the research and development area to determine whether we can attract the "think" type industry we desire.

5. Continue to conclusion the transportation study being conducted with the counsel and economic cooperation of Roosevelt Field and Roosevelt Raceway, with a serious intention of

implementing some form of mass transportation within the central Nassau area.

6. The approximately forty-three acres recommended for conservation use in our Nassau Center brochure be maintained in its natural state for possible development as recommended during the public hearings.

7. The County proceed with developing plans for the acreage set aside for the cultural center.

8. The proposed housing should be constructed with due regard to the full impact on the community of the other recommended construction of the initial phase. In-depth discussions will be continued with those responsible for providing municipal and educational services to Nassau Center so that necessary data can be gathered for consideration.

Respectfully submitted,

MITCHEL FIELD DEVELOPMENT CORPORATION

by _____

Daniel T. Sweeney
Chairman

Garden City, New York
July, 1959

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